

*THE ROLE & IMPORTANCE OF DEMOCRATIC POLITICAL INSTITUTIONS:
ZIMBABWE'S REGRESSION TOWARDS AUTHORITARIANISM*

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Declaration

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Abstract

This thesis seeks to advance the understanding of Zimbabwe's current political situation and how it has regressed towards authoritarianism. The assumption when initially embarking on this research assignment was that Zimbabwe's political failures over the past three and a half decades since its independence in 1980 could be traced back to its original Constitution – the Lancaster House Constitution of 1979.

The research in this thesis is guided by a central question: Has Zimbabwe's failure to successfully institutionalise democratic institutions, in particular through the 1979 Constitution, contributed to its regression to authoritarianism, despite its initial democratic transition? This question is substantiated by way of four sub-questions:

- What processes lead from democratic transition to authoritarianism?
- What are the institutional prerequisites for democratic development?
- How was Zimbabwe's Lancaster Constitution negotiated?
- Did Zimbabwe's institutional framework set it up for failure?

In order to answer the research questions, a descriptive and exploratory study with emphasis on a case study was conducted by drawing from both secondary as well as primary sources of data. The primary data examined is a compilation of original documents belonging to the late Leo Baron, former Acting Chief Justice of Zimbabwe (1983) and lawyer to Joshua Nkomo. These documents include a personal record and interviews previously conducted in 1983 for the national archives of Zimbabwe between Baron and the state, an original ZAPU document titled *Proposals for a settlement in Southern Rhodesia* as well as the original Lancaster House Constitution of 1979.

This thesis used democratic consolidation as a theoretical framework to assess the processes that lead from democratic transition to authoritarianism as well as the institutional prerequisites for democratic development. By exploring the field of democratic consolidation, the author settled upon two analytical frameworks for this research assignment. The first is that of Kapstein and Converse, who argue that in order for a democracy to be effective the power of the executive needs to be successfully constrained. They contend that if the executive faces sufficient

constraints only then is it accountable to the electorate. Secondly, this thesis focuses largely on the institutional framework developed by Dahl, which highlights a set of criteria underlining the political institutions necessary for a country to transition into a successful democracy.

The key findings are that, firstly, Zimbabwe's Lancaster Constitution was not the product of an inclusive and participatory process; instead it has been discovered that the process was one that lacked public participation and thus lacked wider legitimacy. It can thus be argued that the Lancaster House Conference, normally regarded as the platform upon which Zimbabwe's negotiated transition to majority rule took place, was in fact not a negotiation at all; instead it resembled more of a handover of power with forced implications and unrealistic expectations. And secondly, that the Lancaster Constitution of 1979 did not sufficiently provide for a democratic political institutional framework for democratic development in Zimbabwe. Instead it failed to highlight the importance of, and make provision for, several important independent organs usually responsible for the smooth transition towards democratisation and the eventual consolidation of democracy.

Opsomming

Hierdie tesis beoog om 'n dieper begrip van Zimbabwe se huidige politieke situasie aan te bied, asook die reprogessie na outoritarisme. Die aanvanklike aanname met die begin van hierdie studie was dat Zimbabwe se politieke mislukkings oor die afgelope drie en 'n half dekades, sedert Zimbabwe se onafhanklikheid in 1980, terugspoor na die oorspronklike Grondwet naamlik – die Lancaster House Grondwet van 1979.

Die navorsing in hierdie tesis is deur 'n sentrale vraag gelei: Het Zimbabwe se mislukking om suksesvol demokratiese instellings te institusionaliseer, in besonder die Grondwet van 1979, bygedrae tot die regressie na outoritarisme, ten spyte van die aanvanklike demokratiese oorgang? Hierdie vraag word gestaaf deur vier sub-vrae:

- Watter prosesse is gelei van demokratiese oorgang na outoritarisme?
- Wat is die institusionele voorvereistes vir demokratiese ontwikkeling?
- Hoe was Zimbabwe se Lancaster Grondwet beding?
- Het Zimbabwe se institusionele raamwerk homself vir mislukking opgestel?

Om in staat te wees om die bogenoemde navorsingsvrae te beantwoord, was 'n beskrywende en verkennende studie met die klem op 'n gevalle studie gedoen, deur data van beide sekondêre sowel as primêre bronne te trek. Die primere data wat geondersoek is, was 'n samestelling van oorspronklike dokumente uit die besit van oorlede Leo Baron, voormalige Waarnemende Hoof Regter van Zimbabwe en prokureur van Joshua Nkomo. Hierdie dokumente sluit in 'n persoonlike rekord asook onderhoude gevoer in 1983 vir die nasionale argiewe van Zimbabwe tussen Baron en die staat. Hiermee saam volg 'n oorspronklike ZAPU dokument getiteld *Proposals for settlement in Southern Rhodesia* asook die oorspronklike Lancaster House Konstitusie van 1979.

Hierdie tesis gebruik demokratiese konsolidasie as 'n teoretiese raamwerk waardeur die prosesse wat gelei het van demokratiese oorgang na outoritarisme, asook die institusionele voorvereistes vir demokratiese ontwikkeling, beoordeel word. Deur die veld van demokratiese konsolidasie te verken, het die outeur haar studie op twee analitiese raamwerke gevestig. Die eerste is die van Kapstein en Converse wat argumenteer dat vir 'n demokrasie om effektief te wees, moet die mag

van die uitvoerder beperk word. Hulle beweer dat slegs indien die uitvoerder voldoende beperkinge het, die kiesers dit as verantwoordelik erken. Tweedens fokus hierdie tesis grootliks op die institusionele raamwerk wat deur Dahl ontwikkel is. Dahl beklemtoon 'n stel kriteria wat die nodige politieke grondwette vir 'n land onderstreep om 'n suksesvolle oorgang na demokrasie te verkry.

Die sleutel bevindings is dit, Zimbabwe se Lancaster Grondwet was nie die produk van 'n insluitende en deelnemende proses nie; in stede was dit bevind dat dit 'n proses was van gebrekkige publieke deelname en dus het weier legitimiteit ontbreek. Daar kan dus geargumenteer word dat die Lancaster House Konferensie, wat normaalweg beskou is as die platform waarop Zimbabwe se oorgang tot meerderheid oorheers geonderhandel is, was in werklikheid nooit 'n onderhandeling nie; instelle blyk dit meer in gestalte na 'n oorhandiging van mag met geforseerde implikasies en onrealistiese vereistes. Tweedens, dat die Lancaster Grondwet van 1979 nie daarin voldoen het om 'n suksesvolle politieke institusionele raamwerk vir demokratiese ontwikkeling in Zimbabwe neer te lê nie. Eerder het dit daarin misluk om die belangrikheid van verskeie onafhanklike noodsaaklike organe uit te lig, of te voorsien, wat normaalweg verantwoordelik is vir 'n gladde oorgang tot demokrasie en uit eindelijk konsolidasie van demokrasie.

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Dedication

I dedicate this thesis to my great-grandfather, Leo Solomon Baron, my hero. A man, who dedicated his life to fighting against oppression. To fighting for, the equal rights of Zimbabwean men and women. An African Nationalist, in the true sense of the term. Someone, who believed that everyone deserved freedom and equal rights. He suffered for this, but continuously stood up and fought back time and time again. He was invaluable to the national liberation struggle of Zimbabwe, but remains virtually unknown. He fought for the justice of every single Zimbabwean, but ultimately he was done the greatest injustice of all, the injustice of not being remembered and not being celebrated. He suffered this injustice because he was a man of the law, a stickler for the rules, and this in the end, did not bode him well – he became a thorn in the side of the Mugabe regime just as he proved to be against the Smith regime. It is truly heart-breaking that a man, who once fought against injustice and colonial oppression, was denied a Heroes Acre burial. He is however my hero, and he will continue to live on and teach me his valuable lessons through his writings and incredible words of wisdom. Because of this incredible man, I wish to live my life dedicated to fighting injustice and oppression just as he lived his life.

List of abbreviations

| | |
|---------|---|
| AIPPA | Access to Information and Protection of Privacy Act |
| ANC | African National Congress |
| EMB | Election Management Body |
| ESC | Electoral Supervisory Commission |
| FLS | Front Line States |
| FPTP | First-Past-The-Post |
| GDP | Gross Domestic Product |
| MDC | Movement for Democratic Change |
| NDP | National Democratic Party |
| NGO | Non-Governmental Organisation |
| NIBMAR | No Independence Before Majority Rule |
| PF | Patriotic Front |
| PF-ZAPU | Patriotic Front- Zimbabwe African People's Union |
| POSA | Public Order and Security Act |
| PR | Proportional Representation |
| PSC | Public Services Commission |
| RF | Rhodesian Front |
| UDI | Unilateral Declaration of Independence |
| UFP | United Federal Party |
| UN | United Nations |
| ZANLA | Zimbabwe African National Liberation Army |
| ZANU | Zimbabwe African National Union |
| ZANU-PF | Zimbabwe African National Union-Patriotic Front |

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|-------|--------------------------------------|
| ZAPU | Zimbabwe African People's Union |
| ZBC | Zimbabwe Broadcasting Commission |
| ZIPA | Zimbabwe People's Army |
| ZIPRA | Zimbabwe People's Revolutionary Army |

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Chapter 1: Introduction

1.1 Introduction

Zimbabwe has been under the spotlight following the contentious 2013 elections, which resulted in yet another controversial win for Robert Mugabe's Zimbabwe African National Union – Patriotic Front (ZANU-PF). These elections, however, are just the tip of the iceberg of political controversy in Zimbabwe. Since the liberation struggle and the subsequent transfer of power in 1980 through the Lancaster Constitution¹ from the white minority to ZANU-PF, Zimbabwe has experienced illiberalism², political violence and eventually economic regression. In light of the 2013 elections – which have added to the tally of contentious elections – it is important to take a closer look at why Zimbabwe is in the situation it finds itself in, and what can account for its regression to authoritarianism. Zimbabwe conducts regular, multiparty elections, thus fulfilling the minimal requirements of a democracy. However, these elections are burdened with fraud, intimidation and violence. There is thus a need to understand why it is in this current predicament and whether its regression towards authoritarianism can be attributed to its failure to institutionalise democratic political institutions.

1.2 Background/ Rationale

Since Zimbabwe's political independence in 1980, the country has faced institutional negligence and corruption. From the outset Zimbabwe's Constitution witnessed manipulation, its electoral system was toyed with, its rule of law framework has been an arena of corruption, and every election for the past three decades has featured intimidation and exploitation. Given the fact that Zimbabwe has once again been in the spotlight following the 2013 elections, this is a topic worth researching, in order to answer often asked questions about the political climate of Zimbabwe as well as assessing the country's future prospects of democratisation. The theoretical framework that addresses issues of institutionalism is thus a good tool for understanding Zimbabwe's democratic breakdown.

¹ In 2013 Zimbabwe adopted a new Constitution; however, when referring to Zimbabwe's Constitution in this thesis, unless otherwise stated, the author is referring to the 1979 Lancaster House Constitution.

² When a country holds competitive, multi-party elections it is often termed democratic, this however does not mean that it is a liberal democracy. Democracy thus refers to the authorizing of power (through elections) but liberal refers to the limitation of that power (through rule of law). In the case of Zimbabwe, there are elections but there is no rule of law and civil and political liberties are not protected.

Given the country's current situation and its history of controversial elections since 1980, this research assignment will attempt to provide explanations for the demise of democracy in Zimbabwe and its regression to authoritarian rule by drawing on the theoretical framework for democratic consolidation, with particular attention paid to the institutionalist argument, which uses democratic institutions to explain democratic consolidation as well as providing a measure of the level of democratisation. In addition, this thesis will rely greatly on primary data, which contributes towards a richer analysis. This thesis seeks to highlight Zimbabwe's unique political situation and how exactly it got to where it is today. A great deal of its political instability and the demise of its democratic features can be attributed to its Constitution, which dates back to Zimbabwe's independence. Thus the rationale of this research assignment is to bring to light some of the reasons contributing to Zimbabwe's democratic shortfall – with particular attention being paid to weak institutions – by using the theories of prominent scholars, in particular Dahl (2005) as well as Kapstein and Converse (2008) within the field of democratisation and democratic consolidation studies.

1.3 Theoretical framework/ Preliminary literature study

This section indicates that a thorough preliminary study was done on the literature relevant to this specific study. The preliminary literature study considered important works on the theories of democratisation and democratic consolidation. As this theoretical framework provides the basis for this thesis, it is important to establish a comprehensive understanding of it. Furthermore, the literature on Zimbabwe's democratic institutions, with a particular focus on the Lancaster Constitution, has been reviewed to understand what has already been established with regards to this particular topic.

1.3.1 Theoretical framework: Democratisation and Democratic Consolidation

The field of democratic consolidation has become an area of great interest – mainly since Huntington's third wave of democracy – and has attracted prominent scholars to study and develop theories on this topic. Numerous authors such as Andreas Schedler, Juan J. Linz, Alfred Stepan, Adam Przeworski, Thomas Carothers, Larry Diamond, Ethan B. Kapstein and Nathan Converse, to mention only a few, have made significant contributions to the field of democratic consolidation and devised meaningful frameworks.

This body of theory, which will be discussed in Chapter Two, is a significant outcome of the study of new democracies, which arose with the third wave of democracies from the mid-1970s onwards. Huntington's concept of the third wave of democratisation, which includes Zimbabwe, generated a body of theory in an attempt to analyse these newly democratic states. Furthermore, a body of themes has arisen in critical response to the study of democratic consolidation, developed and supported by authors such as Jeffrey Herbst, Levitsky and Way, Thomas Carothers, and Diamond and Morlino. These contending themes will be discussed in Chapter Two.

In spite of these criticisms, the transitional approach still remains relevant. It is an approach that recognises democratisation as a process moving from authoritarianism, to a transitional democracy, finally reaching democratic consolidation. Moreover this transitional paradigm also recognises that regimes can regress back to authoritarianism. Zimbabwe fits this trajectory, highlighting the significance of using this approach for this particular research assignment. Authors such as Linz, Stepan, Schedler, Kapstein and Converse have based their theories of democratic consolidation on the transitional paradigm.

Conteh-Morgan (1996:6) recognises democratisation as a transitional process and argues that the "process of democratization is part of a continuum starting with authoritarian rule to democratization (or political liberation) to democratic governance" (democratic consolidation). Conteh-Morgan stresses the importance, throughout the transitional process, of the existence of free and fair elections, national conferences on political reforms, and the presence of multiparty systems; he does, however, maintain that these elements on their own are insufficient for democratic governance (Conteh-Morgan, 1996:6). The unfolding processes in many reformed authoritarian states are fundamental signs of the successful transition towards democratisation. But democratisation is transitional in itself and is by no means the final destination; the final outcome is rather democratic governance (consolidation), which goes far beyond the process of democratisation (Conteh-Morgan, 1996:6).

Most scholars studying democracy have come to a point where they are bound to question not only the means by which democratic systems have come into existence, but also question how already existing democracies can remain healthy; thriving democracies without the constant threat of regressing back to an antidemocratic system (Rustow, 1970:339). In their 1996 article, "Towards Consolidated Democracies", Linz and Stepan make clear that there is no standard definition or even understanding of democratic consolidation; they do, however, state that it is safe to assume that only democracies can foresee consolidation in their future (Linz & Stepan, 1996:3). These two

authors focus on the conditions and features that need to be established and in place for democratic consolidation to take place. They understand a consolidated democracy to mean a political regime in which democracy becomes “the only game in town” (Linz & Stepan, 1996:3). They contend that once the transition towards consolidation is complete, there remain numerous tasks that need to be accomplished, habits and attitudes that need cultivating, and conditions that must be established before a democracy can be regarded as fully consolidated (Linz & Stepan, 1996: 2). They identify three minimal conditions necessary in order for democratic consolidation to take place; the first is, the existence of a state; secondly, a fully completed democratic transition; and the final condition is the need for rulers who govern democratically and constitutionally (Linz & Stepan, 1996:5). Additionally, according to these authors, democratic consolidation is played out on three levels: behaviourally, attitudinally and constitutionally (Linz & Stepan, 1996:5-6).

In a similar light, Schedler (2001: 69-80) also acknowledges different variables in measuring democratic consolidation: behavioural, attitudinal and structural measurements. These measurements also represent different levels of causation; behaviour appears an immediate cause of stability, while attitudes work as a prime mover of behaviour, and structural settings characterise a close source of both attitudes and behaviour (Schedler, 2001:69). This research assignment will draw on Schedler’s different variables for measuring democratic consolidation and will focus primarily on structural elements with an emphasis on institutions, more specifically the constitution, and how these institutions influence the democratisation process.

Institutionalisation, according to O’Donnell (1996:41), is achieved when there is a sensible balance between formal rules and actual behavioural patterns. Furthermore, political institutions can be understood as standardised arrangements of interaction that are practised, regularly accepted and well known by given social agents, who expect to continue operating and interacting under the rules and norms informally or formally represented in those arrangements. Occasionally, institutions develop formal organisations: “they materialize in buildings, seals, rituals, and persons in roles that authorize them to ‘speak for’ the organization” (O’Donnell, 1996:41).

Authors such as O’Donnell, Diamond, Linz and Stepan, Kapstein and Converse, and Huntington – to mention only a few – support the institutionalist argument and contend that it has provided the most sensible tool for assessing democratic development. These institutionalists by no means dismiss the importance of other factors contributing towards democratic consolidation; in fact, they acknowledge the significance of other factors, seeing them as complementary. Their focus, however, remains on political institutions as the driving force behind democratic consolidation.

Finer (1997:1502) defines constitutions as, “codes of rules which aspire to regulate the allocation of functions, powers and duties amongst the various agencies and officers of the government and to define the relationships between these and the public”. Political institutions at the core of any democracy include: electoral systems, the rule of law, degrees of decentralisation, and constitutional provisions governing relations between the legislative and executive branches (Colomer, 1995:74); these are said to be the indicators of an enduring democracy.

1.3.2 Case study: An overview of Zimbabwe’s democratic institutions

Since the liberation struggle was won in 1980, the ruling party of Zimbabwe, Zimbabwe African National Union – Patriotic Front (ZANU-PF) led by Robert Mugabe has consolidated its power, thoroughly crushed any alternative voices, and effectually de-linked itself from the society it owed a service to, the one that it was supposed to represent (de Jager, 2010:4). The legacy left behind by the armed independence struggle has been one of the main contributors towards the dominance of ZANU-PF (Britz & Tshuma, 2013:172), which has led to a series of problems, mainly institutional in nature, which have contributed to the current illiberal climate of the country. The post-colonial state, led by the Ian Smith regime, now headed by ZANU-PF following the 1980 elections, was a resilient and robust state, unlike many of its African counterparts that fell under the third wave of democratisation. The state apparatus in Zimbabwe was one of strength and safety; it was well developed and equipped with regards to security. This strong state apparatus with a robust military backing, which ZANU-PF now had its hands on, had serious implications for the future of democratic governance in the state. Along with this colonial state structure, ZANU-PF was also able to use colonial legislation to establish itself as the dominant ruling party early on and then retain power (Britz & Tshuma, 2013:172-173).

In the closing days of 1979 the Lancaster House Conference was held in London, which signified the end of the conflict between the nationalist liberation movements and the Rhodesian state; in addition to this, it led to the crafting of Zimbabwe’s independence Constitution. This initial constitution was based on liberal values; it included democratic features such as the separation of powers, the accountability of the executive to the legislative, the independence of the judiciary, governmental accountability and bureaucratic neutrality (Britz & Tshuma, 2013:176). The Lancaster House Constitution was hardly different from other post-liberation struggling constitutions, and it was no more than a compromise between competing interests. It was robbed of broader legitimacy among Zimbabweans as early as its initial stages of creation, for it lacked popular participation and a wider base. It might have been a useful tool in the transference of power

from the minority to the majority government, but in retrospect it was by no means a solid foundation for good governance (Sachikonye, 2002:175).

It is quite obvious that one of the key institutions required for a stable democratic system is free and fair elections conducted on a regular basis, along with an independent and impartial electoral commission; additionally, credible elections need to be accompanied by a set of clearly outlined rules regarding political competition in order to secure legitimate and plausible elections (Sachikonye, 2005:189). Other key prerequisites of democratic governance include: the existence of free and fair institutions, practices and rules, and the right of individuals to hold those in power accountable. In addition to these preconditions there is the importance of the rule of law, which forms an intrinsic part of the foundation of democracy.

The Lancaster House Constitution along with its various other shortcomings failed to create democratic political institutions, which are highly necessary in the facilitation of making government accountable to the electorate; it also neglected the provision of independent institutions such as an electoral commission or human rights commission (Britz & Tshuma, 2013:177). To add to this lack of foundational institutionalism, the Mugabe regime showed no signs of respect for the democratic values of tolerance and the rule of law (Sachikonye, 2002:175). Not only was the Constitution deeply flawed from early on, but Mugabe and his regime used it to further their own interests. It was altered and changed over the years, strengthening ZANU-PF and Mugabe himself, whilst simultaneously creating an inhospitable environment for opposition parties as well as for an active citizenry. It was used as a power tool, one that would see the country slide towards authoritarianism (Britz & Tshuma, 2013:177).

In the late 1980s and early 1990s Zimbabwe's democratic conditions were looking hopeful and strong against the background of possible reform brought about by civil society. However, by 2000 reform had failed and authoritarian rule solidified further, intensified by the intimidation and political violence leading up to the 2000 elections. Authoritarian repression was furthermore consolidated in 2002 by new legislation, which was passed prior to the 2002 presidential elections. The legislation passed in 2002 made the elections that followed extremely one sided, as any form of opposition was in some sense illegal under these new legislative acts. This legislation had the effect of creating an environment favourable to dictatorial government (Sachikonye, 2002:189-90). ZANU-PF, initially enjoying support from the masses between 1980 and 1996, has since experienced a series of falling election results, despite resorting to altering legislation and the use of intimidation and brutal force. ZANU-PF had been victorious in the parliamentary elections in 1980,

1985, 1995, 2000, 2005 and 2008. Additionally, Mugabe has won every presidential election since 1990. In 1990 he won by 83 per cent of the votes, in 1996 by 92.7 per cent, in 2002 he dropped down to 56 per cent. In 2008 there were two rounds of votes, as Mugabe lost the first round by gaining only 43.24 per cent, only to be victorious in the second round when he won 90.22 per cent of the votes. In the most recent presidential elections, in 2013, Mugabe went on to win once again, capturing 61 per cent of the votes. ZANU-PF has over the years claimed hegemony; however, it has almost certainly never experienced party dominance by relying on safe and secure re-election, but rather through violence and intimidation (Southall, 2013:107).

The executive power in Zimbabwe lies in Mugabe's hands; he is the head of state, the commander-in-chief and the head of government. However in 2008 Mugabe's ZANU-PF and the two MDC (Movement for Democratic Change) factions – led by Tsvangirai and Mutambara – came to an agreement that provided a new framework for distributing governmental power, which would be vested in both a President and Prime Minister (Booyesen & Toulou, 2009:638). This was the outcome of yet another scandalous presidential election, which was “won” by ZANU-PF, an election that was riddled with violence and corrupt campaigns. This deal was struck in light of this situation; however, to date it has not brought with it any sense of a truly inclusive government with power-sharing characteristics.

Political parties have made up the backbone of Zimbabwe's fight against racial domination, playing an intrinsic role in the liberation struggle, but they are presently fighting a battle to shape a more democratic Zimbabwe. The electoral system in Zimbabwe has provided ZANU-PF with a clear advantage, whilst simultaneously creating havoc for the opposition parties (Britz & Tshuma, 2013:180); this can be attributed mainly to Zimbabwe's weak democratic political institutions and the non-existence of an independent electoral commission. The emergence of the MDC saw ZANU-PF in an uncomfortable situation as for the very first time they faced stiff competition in the 2000 elections, with the MDC winning 57 of the 120 parliamentary seats. However, since then every election, including the heavily contested 2008 elections as well as the controversial 2013 elections, has been widely suspected of being fraudulent (Britz & Tshuma, 2013:183). It has been argued that Zimbabwean elections have never truly been free or fair since the dawn of independence; they have always included some form of corruption, intimidation and violence (Britz & Tshuma, 2013:183). Even Mugabe's winning of the very first presidential elections can be attributed to violence and intimidation (Southall, 2013:108).

Apart from the fact that ZANU-PF has tightened its stronghold on the electoral institutions, it has managed to maintain its position of supreme power through several other means too. Firstly, it has prohibited the freedom of the media; major news agencies are controlled by the ruling party. Secondly, it has unleashed serious forms of violence upon its rivals, evidently in almost every election since 1980. Third, it has enacted a range of restrictive laws to inhibit opposition. Fourth, it has refused to accept defeat in any elections. Lastly, it has appropriated state and other resources whilst restricting the opposition from acquiring them (Southall, 2013:127). Constitutional amendments, the controlling of the judiciary, living outside the rule of law, and the avoidance of political competition are among many of the institutional reasons for Zimbabwe's failure to transition into a democratic state.

The above authors have therefore each focused on political institutions, de Jager broadly on governance, Britz and Tshuma on party dominance, Booysen and Toulou on political parties, Sachikonye on political parties on democracy and Southall on liberation movements as governments, though each has recognised the importance of the 1979 Constitution, none have focused on it.

1.4 Problem statement and purpose of the study

The following research question will guide the approach to this thesis:

- Has Zimbabwe's failure to successfully institutionalise democratic institutions, in particular through the Constitution, contributed to its regression to authoritarianism, despite its initial democratic transition?

Furthermore, the thesis will draw on a number of sub-questions in order to answer the above research question; this set of questions includes:

- What processes lead from democratic transition to authoritarianism?
- What are the institutional prerequisites for democratic development?
- How was Zimbabwe's Lancaster Constitution negotiated?
- Did Zimbabwe's institutional framework set it up for failure?

While concentrating on these sub-questions in an attempt to answer the main research question, this research assignment will focus largely on Zimbabwe's constitution making in an attempt to discover why the executive power in Zimbabwe has not been constrained and how exactly it has garnered so much power.

The purpose of this thesis is to examine in more detail the political institutions which have come to govern Zimbabwe since the dawn of its independence in 1980, and to ascertain whether the erosion of the country's democracy and failure to successfully consolidate its democracy can be attributed to the failure of the democratic institutionalisation of these and other necessary, but absent political institutions. In attempting to understand the nature of Zimbabwe's political institutions and how they have become what they are today and to discover those that are missing, it is important to draw from the theories of democratisation and democratic consolidation, which provide certain frameworks on which this research assignment will rely in attempting to explain Zimbabwe's failure to successfully achieve democratic consolidation as well as its regression to authoritarianism. By using the theory of democratic consolidation, focusing on institutions, it is clear that the institutionalisation of democratic political institutions is important for democratic consolidation, thus the lack of institutionalisation will surely mean the regression of democracy. The thesis also aims to provide an in-depth analysis of the Constitution of Zimbabwe, its origins, how it was drawn up, the actors involved in its establishment, who it benefits, whether it embodies the characteristics of a democratic nation, and how it has contributed to the failure of the country's ability to consolidate its democracy. This thesis seeks to draw connections between Zimbabwe's descent into authoritarian rule and its negligence of the democratic institutionalisation of its political institutions, in particular the Lancaster Constitution of 1979.

1.5 Research design and research methodology

The nature of the research design will be both descriptive and exploratory, and will furthermore rely on a qualitative research methodology with the emphasis on a case study. The case study will entail the evaluation of Zimbabwe's political institutions – highlighting the Constitution. The study, with its focus on the 1979 Lancaster Constitution, is also rooted in the historical analytical research approach – which essentially analyses the past in order to account for present circumstances. The study will be exploratory in nature, as it will study the case thoroughly and attempt to find new responses by answering innovative questions; it will also be descriptive in that it aims at finding if there is a correlation between Zimbabwe's failure to democratically institutionalise its political institutions and its regression away from democracy (Mouton, 2001: 53-54). The goal or purpose of the research assignment is to evaluate, through descriptive and exploratory methods, the situation that Zimbabwe finds itself in currently. It seeks to evaluate Zimbabwe's political institutions in order to establish answers as to why Zimbabwe has failed to successfully democratise and consequently regressed to authoritarianism. The research assignment will attempt to assess this by

drawing from the theoretical field of democratic consolidation, in particular the work of authors who have developed the institutionalist approach, and as a qualitative study, it will draw from both primary and secondary sources of data. Furthermore, the research assignment is operationalized through the theoretical and analytical framework of Dahl (2005), which highlights the political institutional prerequisites necessary for democracy to take shape and endure.

Case study designs are usually qualitative in nature and have the ultimate goal of providing an in-depth description of the specific case being evaluated (Mouton, 2001:149). The case study will be that of Zimbabwe and its institutions. As mentioned above, this will be a desktop analysis of primary and secondary sources. The literature review will be based on a collection of works by prominent authors and scholars in the field of democratisation and democratic consolidation, and will thus be based on secondary information. The remainder of the thesis will be comprised of hybrid data, drawing from both primary and secondary sources. The secondary sources will once again be drawn from a pool of works by prominent academics involved in studying democracy, in particular the democracy and Constitution of Zimbabwe. The primary data examined is a compilation of original documents formerly belonging to the author's late great-grandfather, the former Acting Chief Justice of Zimbabwe, Acting Chief Justice of Zambia, Deputy Chief Justice of Zambia, Chief Parliamentary Draftsman of Zambia, political prisoner of the Smith-regime, lawyer to Joshua Nkomo (Former President of PF-ZAPU), participating member and member of the Nkomo delegation at the Lancaster House Conference in 1979, and political activist, Leo Solomon Baron (1916-1985). This collection of original documents includes a personal record and interviews previously conducted for the national archives of Zimbabwe between the state and Leo Baron, which includes a detailed account of the Lancaster House Conference, the negotiations which were undertaken during this conference as well as the final outcomes of these negotiations. Furthermore, these interviews reveal certain aspects of the political climate of Zimbabwe between the years during the liberation struggle and the period directly after independence in 1980. There are, in addition to these interviews and personal records, further documents which highlight the relationship between the competing delegations at the Lancaster House Conference, such as a ZAPU document titled *Proposals for a settlement in Southern Rhodesia* which was never presented in its entirety at the Conference given the deep tension between the Patriotic Front (made up of Mugabe's ZANU and Nkomo's ZAPU) at the time of the Conference. In collaboration with Leo Baron's first-hand account of the negotiations and further original documents this thesis will analyse the original Lancaster House Constitution of 1979.

The research problem assessed in this thesis – *“Has Zimbabwe’s failure to successfully institutionalize democratic institutions, in particular through the Constitution, burdened the country’s future prospects of democratic consolidation?”* – is of an empirical nature. According to Mouton (2001: 51-52), if the object being studied is a real-life object – for example, human behaviour, social programmes or historical events – we are then conducting empirical research. The object, phenomenon, process or event being studied is referred to as the unit of analysis (Mouton, 2001:52); with reference to this thesis the unit analysis is the political institutional framework of Zimbabwe in the form of its Constitution. Great emphasis is placed on Zimbabwe’s institutions throughout this thesis, taking a closer look at their characteristics, functions and their specific influences on the country’s democratic situation. The focus of this thesis is Zimbabwe’s transitional period, with an emphasis on the negotiations and drafting of the 1979 Constitution and the outcome.

1.6 Research limitation and delimitations

The only limitation to this thesis is that the primary data is largely from ZAPU, and will thus have an inherent bias to it.

It is important to acknowledge certain delimitations to the research assignment. Firstly, this thesis focuses only on certain aspects of Zimbabwe’s state and structure; it concentrates only on the country’s institutional foundations with regard to measuring democratic transition and authoritarianism. Secondly, the analysis focuses largely on the Lancaster House Agreements of 1979 and the Lancaster Constitution, attributing Zimbabwe’s institutional weaknesses to these negotiations. Not much attention is paid in this research assignment to the vast number of Constitutional amendments and the adoption of a new Constitution in 2013.

This thesis places great emphasis on institutional variables in determining democratic transitions and democratisation. This thesis emphasises political institutions as the main variable to measure democratic transition. Thus, the author delimits the research assignment to the role of political institutions. The author however, does not claim that the failure of democratic political institutions is the only explanation for Zimbabwe’s regression. Leadership, in the form of Robert Mugabe, who was a constant from the liberation, is also another obvious explanation. Furthermore, social and economic factors also attribute to a country’s democratic nature. Nonetheless, this thesis’ emphasis on the importance of democratic political institutions has laid a theoretical foundation for further studies, which could embody additional variables to measure democratic transition.

Moreover, the researcher has delimited the thesis chronologically to the period between 1965 to the present. Because of Zimbabwe's complex past and multifaceted political history this chronological focus enables the development of a clear understanding of Zimbabwe's regression to authoritarianism has come about since the country's Unilateral Declaration of Independence (UDI) in 1965.

1.7 Overview of chapters

This thesis consists of five chapters. The *first chapter* has provided an overall introduction to the thesis as well as to the elements concerning the research question, purpose of the study, a preliminary study of the literature, a rationale, the research design and methodology, as well as the limitations and the delimitation of the thesis.

Chapter Two consists of a detailed literature review or survey, drawing on secondary data concerning the theoretical frameworks of democratisation as well as democratic consolidation. This chapter discusses the conceptual meanings of democracy, democratisation and democratic consolidation. It provides an outline for measuring democratic consolidation by focusing on the attitudinal, behavioural and structural foundations underlying the theories of democratic consolidation. It then delves deeper into the structural foundations, in particular the institutionalist approach to measuring democratic consolidation. This chapter seeks to assess the importance of democratic institutions when assessing democratic consolidation.

The *third chapter* focuses on Zimbabwe as the case study. This chapter provides a descriptive and contextual account necessary for this research assignment, and offers a historical and political overview of the country in the context of the questions this thesis seeks to answer. It focuses on the liberation struggle, the years leading to the drafting of the Constitution, the important actors and role players involved in the transition to an independent African state, and the general political landscape of the country. It aims to provide the reader with a clear understanding of Zimbabwe's political past and present in order to situate the analysis of this research assignment.

Chapter Four provides the analytical section to this thesis. By drawing from both primary and secondary data, this chapter outlines Zimbabwe's political institutional shortcomings, in particular the failures of the Constitution. By paying attention to the existing literature on Zimbabwe covered in the third chapter, and the primary data gathered on Zimbabwe's Constitution, this chapter seeks to answer questions about Zimbabwe's failure to successfully democratise and fully consolidate its

democracy. In addition to the attempt at answering the research questions, this penultimate chapter seeks to lay the foundation for future studies within this realm of research.

The *final chapter* includes a summary of the findings in this thesis as well as concluding remarks and areas for future research and findings.

Chapter 2: Literature review and Theoretical framework

2.1 Introduction

In order to grasp the situation Zimbabwe finds itself in, it is important to use a theoretical framework to analyse its political system, in particular its initial democratic transition and subsequent decline to authoritarianism. This thesis intends to provide an analysis of Zimbabwe's institutional framework using the theoretical framework of democratic consolidation, focusing on the process of institutionalisation. The process of democratisation is a complicated and detailed one comprising several steps, including the decline of an authoritarian regime, a transition to a democratic regime, and the consolidation, as well as the eventual maturation, of this newly formed democracy (Shin, 1994:148). The first two steps highlight the significant institutional changes that must occur during the democratisation process; the last two steps, however, represent the strengthening of support for these newly formed institutions and are entrenched in the perceptions and attitudes of those living in these new systems (Wells, 2005:13). It is therefore argued that to understand Zimbabwe's regression, its political institutions need to be analysed.

Much of the consolidation literature reviewed in this chapter accepts the general argument that democratic practices need to be institutionalised and that political institutions need to be fully democratic in order for democracy to be effectively and truly consolidated, and further that the citizenry as well as the elites come to accept democratic practices as the only way to reach a healthy political, social and economic climate. It thus follows that a consolidated democracy entails: 1) growing numbers of noteworthy democratic actors; 2) neutralisation of non-democrats; 3) both the elite and the masses content with democratic standards and behaviour; and 4) politicians who subordinate idiosyncratic strategies, as well as their ideological partitions, so as not to facilitate the return of authoritarianism (Haynes, 2001:9-12). If these four steps are successfully accomplished, a generally accepted pattern of rules and norms develops along with the institutional requirements necessary for a democracy to prosper. In short, democracy becomes entrenched in the minds of citizens and elites as the best possible form of government (Kearsey, 2007:12).

This chapter will concentrate first and foremost on the literature surrounding democratic consolidation, providing an outline of not only what democracy and democratic consolidation entail, but how democratic consolidation can be measured and assessed. It will take a look at Schedler's (2001) different variables used to measure democratic consolidation, namely the behavioural, attitudinal, and structural variables. It will then narrow its focus to democratic

institutions – which fall under the structural foundations of democratic governance – as a means of determining democratic development. The main objective of this literature review is to answer the first two research questions of this thesis, which are: 1) What are the institutional prerequisites for democratic development? and 2) What processes lead from democratic transition to authoritarianism (authoritarian regression)?

2.2 Democracy

Democracy entails a certain set of conditions, often seen as common to any democratic state. These conditions include, free, fair, competitive, multiparty elections, public participation and freedom of speech and will. However, this is a minimalist approach to democracy, for although a government could be elected through such democratic means, there is no assurance that the said government will be efficient, fair, and accountable in its practices. No matter how undesirable such a government is it does not make it undemocratic. For this reason it is of the utmost importance to distinguish between democracy in its minimalist form, and democracy that is married to a degree of liberal constitutionalism (Zakaria, 1997:25).

Democracy in its minimalist form is usually associated with Schumpeter, who regarded democracy as nothing more than party competition (Hague & Harrop, 2004:39). According to him, “democracy means only that people have the opportunity of refusing or accepting the men who are to rule them” (Schumpeter, 1943:269).

In contrast, constitutional liberalism, is not only concerned with the practice of and steps taken towards electing a government, but is also concerned with how effectively that government is run, and what its goals are. It refers to the historical tradition that aims to protect the autonomy and dignity of individuals against coercion, whether it is in the form of state, society, or even coercion from the church. It merges two closely related terms: the first is “liberal” which emphasizes individual freedom, and the second is “constitutional”, which highlights the rule of law. Constitutional liberalism argues that people have certain undeniable rights and that governments must adhere to a basic law, limiting its very own powers, and in turn securing these rights (Zakaria, 1997:23-25).

Democracy authorizes power, while constitutional liberalism limits it. The two must be exercised in conjunction with each other, and when they have merged the product is a liberal democracy which calls for a political system marked not only by free and fair elections, but also by the separation of

powers (checks and balances), the rule of law, and the protection of basic liberties of assembly, religion, property and speech (Zakaria, 1997:22). This definition of democracy, which acknowledges the importance of key democratic political institutions, especially constitutionalism, will be used as an ideal type for the purpose of this thesis.

2.2.1 How can we account for the different manifestations of democracy?

Democracy is a heavily contested field of study. Debates have continued with regards to questions such as; how can one measure democracy, and how can we account for the differences that so clearly exist within democracies? There are two key approaches that stand out when it comes to measuring and explaining democracies. The first is concerned with the quality of a democracy, acknowledging that democracies need to be assessed in their current form. The second approach is concerned with the process of democratisation; advocates of this approach believe that democracies are transitional, and will either reach consolidation or revert to authoritarianism.

Although the theoretical approach of this thesis rests on the institutional framework found in the transitional approach, it is important to briefly assess the contending body of theory which considers the transitional approach out-dated and overly optimistic. Authors such as Carothers, Diamond and Morlino, Levitsky and Way, and Herbst, have all contributed to the first approach, and have in common the argument that regimes need to be analysed and accepted for what they presently resemble and not what they may transform into.

Herbst (2001) bases a great deal of his work on studies related to African states and their regime classifications. He recognizes the differences between regime structures in African states and the rest of the world. According to him the current condition of most African states could very well prevail for decades, thus it is foolish to describe them as transitioning between authoritarianism and democracy. Democratic progress according to Herbst is by no means linear and the process of democratisation is not guaranteed and has no certain timeline; moreover it is often unclear whether certain democracies will ever become institutionalized (Herbst, 2001:357). Herbst (2001:357) contends that states should be regarded as either democratic or not democratic at all.

Levitsky and Way (2002:51-53) agree with the argument put forward by Herbst. They note that since Huntington's third wave of democracy, the world has been marked by an explosion of hybrid political regimes. In different ways, and to varying degrees, states across Africa combined democratic rules with authoritarian governance during the 1990s. Often scholars have treated these

regimes – according to Levitsky and Way – as incomplete or transitional forms of democracy (Levitsky & Way, 2002:51). However many of these said ‘transitional’ cases have proved to be unsuccessful in their transition towards democratic consolidation or even democratisation, many regimes have either remained hybrid or have regressed to authoritarianism (Levitsky & Way, 2002:51). Thus, they contend that it is time to stop thinking of these cases in terms of transition towards democratic governance and rather assess them for the regimes that they actually are (Levitsky & Way, 2002:51).

In a similar vein Carothers (2002:17) argues that it is time that the transitional paradigm should be laid to rest, and that democracies should be analysed for what they currently resemble. He points out that it is no longer fitting to presume that countries stepping out of authoritarianism tend to follow a perfectly paved path, which entails a set of stages leading to consolidation; nor is it appropriate to assume that most democracies are actually in a transitional stage. Instead he argues that people should come to the realization that this “uneasy, precarious middle ground between full-fledged democracy and outright dictatorship is actually the most common political condition today”. He contends that realistic expectations need to be put in place to create the kick-start of a new body of theoretical thinking (Carothers, 2002:17-18).

Academics such as Diamond and Morlino (2004:20) are concerned with the quality of democracy and believe that people have moved away from questions regarding the transition of democracies to questions regarding the condition of new regimes. There are growing concerns about how to evaluate and possibly improve the quality of democracies. It is possible to distinguish between the quality of democracies; some may be deficient in certain dimensions, leading to deficiency in other dimensions, which could result in a lower quality of democracy. When democracies tend to be weak regarding dimensions such as the rule of law and freedom, they tend to show deficiencies in other areas too, dragging down the quality. However, other democracies could have stronger democratic dimensions overall, which could further improve their level of democratic quality (Diamond & Morlino, 2004:28-29).

The second approach is one that recognizes democratisation as a process – moving from authoritarianism to democratic transition and finally reaching democratic consolidation. This body of research grew out of the third wave of democratisations, of which Zimbabwe was part. Authors such as Schedler, Huntington, Linz and Stepan, Kapstein and Converse, and Conteh-Morgan have based their theories of democratic consolidation on this transitional paradigm. Furthermore, democratic consolidation also acknowledges processes, and thus not a static form of government.

Given the fact that Zimbabwe's situation can be attributed to the outcome of a failed attempt at democratisation and the outcome of a regression to authoritarianism, the author of this thesis agrees with the likes of these authors, and will shed light on the second approach to measuring democracy.

2.3 The Processes of Democratisation and Regression

This section aims to answer the first research question of the thesis: What processes lead from democratic transition to authoritarianism?

According to Samuel Huntington (1999) the world has witnessed three waves of democratisation. The first wave was recorded between 1828 and 1926, bringing into existence some 29 democracies; among that figure were France, the United Kingdom, and the United States of America. However, this first wave of democratization was followed by a reversal wave in the early 1940s, when Mussolini came into power in Italy. This reversal saw the loss of 17 democracies. With the end of the Second World War the world witnessed a second wave of democratization, lasting for about two decades (1943-1962). The likes of countries such as Japan, Italy, India, and West Germany were part of this wave. This second wave saw the transformation of 36 countries towards democratisation, only to be followed by yet another wave of reversal between 1960-1975, bringing down the tally of democracies to a mere 30. Huntington's final wave of democracy – the third wave of global democratic expansion – was ignited between 1974 and 1990, and is associated with the collapse of the Soviet Union and ending of the Cold War. The post-1974 period of global democratisation began in Southern Europe in the mid-70s. It then moved to South America in the late 70s and early 80s, conquering the region's military regimes. It spread across to East, South, and Southeast Asia in the mid to late 1980s. By the end of the 1980s there was a surge of transitions from communist authoritarian rule in the former Soviet Union and Eastern Europe as well as a trend toward democracy in Central America. Finally, the democratic movement reached Africa in the late 1980s and early 1990s (Diamond, 1999:2). This third wave saw the rise of around 30 democracies.

Huntington explains that one way to gauge the future of this wave of democratisation is to assess whether the causes that gave rise to the third wave are likely to continue operating in a successful fashion, gain strength, weaken, or be replaced by new forces promoting democratisation. Some factors that contribute to the transition away from democracy back to authoritarian rule include; the weakness of core democratic values; severe economic setbacks; political and social polarisation; the exclusion of certain groups from power; the intervention by nondemocratic foreign powers; and reverse "snowballing", which is triggered by democratic reversal in other regions (Huntington,

1999:17-18). Africa's rapid wave of democratisation falls under Huntington's third wave. However, as pointed out earlier, democratisation is a process of transition towards democratic governance/consolidation, not the final destination, and it is evident that most African countries are still in the process of transition.

There are clear distinctions between democracy and democratisation; the latter is a process not an event and it moves through different stages of transition. Conteh-Morgan (1997) recognizes democratisation as a transitional process, one that establishes a form of governance in which a certain set of mechanisms is created to ensure responsible leadership, civil liberties, and healthy participation at all levels of politics and society. He (1997:6) maintains that the "process of democratisation is part of a continuum starting with authoritarian rule through democratisation (or political liberation) to democratic governance" (democratic consolidation). In this transitional process it is necessary to see the presence and existence of multiparty systems, free and fair elections, and national conferences on political reforms (Conteh-Morgan, 1997:6).

While these abovementioned factors – multiparty systems, free and fair elections – are seen as significant ingredients for the creation of a democracy and should ideally lead to the development of political pluralism, they are not sufficient on their own for democratic governance (Conteh-Morgan, 1997:6). The processes unfolding in many reformed authoritarian states are key indicators of the successful transition towards democratisation; however democratisation is itself transitional and is by no means the final outcome. The ideal is democratic governance, which goes far beyond democratisation. The principles of a liberal democracy accentuate the importance of democratic governance (Conteh-Morgan, 1997:6).

Power is one of the central concepts recognized by Conteh-Morgan (1997:7) when it comes to the process of democratisation. The transition from an authoritarian regime based on coercion to democratisation based on legitimacy is first and foremost a matter of power. The process of moving towards democratisation requires an increase in political equality and a significant decrease in coercive rule. Power consists of both compensatory and punishing capabilities that are useful in the consolidation process. These instruments of deprivation and reward are applied varyingly and selectively within a political system (Conteh-Morgan, 1997:7). Power relations determine whether coercive rule will be the victor and the dominant mode of political activity; or whether democratisation will emerge, stabilize, and then maintain itself in the face of social, political, and economic difficulties and conditions. Thus, the balance of power among different societal coalitions and groups is of considerable importance in determining the process of transition (Conteh-Morgan,

1997:4). This point is key in the analysis of this thesis, mostly due to the fact that when ZANU-PF started losing a grip on its power in 2000 it made a move from political legitimacy to coercion. It also compliments Kapstein and Converse's theory, which will be discussed below.

The following section will focus on democratic consolidation and political institutions with the aim of answering the research question: What are the institutional prerequisites for democratic development?

2.4 Democratic consolidation

When studying and interpreting democracy, most analysts come to a point where they are bound to question not only how democratic systems have come into existence, but how already existing democracies can become healthy, thriving ones, without the threat of regressing towards an antidemocratic system (Rustow, 1970:339). Plausible arguments have been made with regard to the preconditions necessary to begin the democratisation process of a state. Authors differ even when grouping these categories, but the most common classes include: the economy, the social sphere, different externalities, cultural aspects, and institutions (Huntington, 1984:198). It is obvious that all these categories play key roles in the processes of democratisation and consolidation; however some authors have built up arguments or theories which lean more strongly towards a single factor, one that stands out amongst the rest.

There is no standard definition or even understanding of democratic consolidation; nevertheless it is safe to assume that only democracies can in fact become consolidated (Linz & Stepan, 1996:3). Linz and Stepan suggest that consolidation occurs in a democracy when "a complex system of institutions, rules, and patterned incentives and disincentives has become the only game in town" (1996: 15). Similarly, Przeworski (1991) states that a democracy is consolidated when, under given political and economic conditions, a particular system of institutions becomes the only game in town: when no one can imagine acting outside the democratic institutions, when all losers want to do is to try again within the same institutions under which they have just lost. Furthermore, a regime is consolidated when it is "likely to endure", and there are expectations of system continuity (Schedler, 2001:67). In the majority of cases, after the transition toward consolidation is completed, there are still a number of tasks that need to be accomplished, habits and attitudes that must be cultivated, and conditions that must be established before democracy can be regarded as fully consolidated (Linz & Stepan, 1996:2).

In their book, “Problems of Democratic Transition and Consolidation” (1996), Linz and Stepan identify three minimalist conditions necessary in order for democratic consolidation to take place; firstly they point out that there needs to be an existing state structure; without the existence of a state there are no prospects of order or democracy. The second condition is that the transition towards a fully democratic state should be complete.

A democratic transition is complete when sufficient agreement has been reached about political procedures to produce an elected government, when a government comes to power that is the direct result of a free and popular vote, when this government *de facto* has the authority to generate new policies, and when the executive, legislative and judicial power generated by the new democracy does not have to share power with other bodies *de jure* (Linz & Stepan, 1996:3).

The third condition is the need for elites who are fully committed to governing democratically and constitutionally (Linz & Stepan: 1996:5).

2.4.1 Levels of democratic consolidation

Furthermore Linz and Stepan (1996:5) argue that democratic consolidation is played out on three different levels, combining behavioural, attitudinal, and constitutional dimensions (Linz & Stepan, 1996:5). Similarly, Schedler (2001:69-80) also bases his argument of democratic consolidation on three related levels.

Schedler (2001:69-80) acknowledges different variables of measuring democratic consolidation, as mentioned above, which include behavioural, attitudinal, and structural measurements, and along with these measurements they also represent different levels of causation. Behaviour appears as an immediate cause of stability within a regime; while attitudes work as a prime mover of behaviour; and structural settings characterise a close source of both attitudes and actors’ behaviour (Schedler, 2001:69). Thus, behaviour, attitudes, and structure provide the foundation for democratic stability.

Behaviourally: if there are any instances at all that point towards anti-democratic behaviour, democracy is in trouble. By contrast, if all the relevant players conform to the basic rules of the democratic game, the democracy appears to be safe (Schedler, 2001:70). Consolidation appears to be on the right path when no meaningful national, political, economic, social or institutional actors devote substantial resources to attempting to achieve their goals by creating an antidemocratic state or by separating from the state (Linz & Stepan, 1996:4). Once this condition is established, the

behaviour of the government that has arisen from the democratic transition is no longer preoccupied with the problem of how to avoid democratic breakdown (Linz & Stepan, 1996:5).

Antidemocratic behaviour means that the relevant actors do not abide by democratic rules, and such behaviour rears its head in several different ways (Schedler, 2001:70). The first sign of antidemocratic behaviour is: *the use of violence*. “Political competition within a liberal-democratic framework entails the unconditional renunciation of violence” (Schedler, 2001:70-71). Instances of politically motivated violence, such as, riots, ethnic cleansing, assassination of political counterparts, intimidation of voters and candidates alike, among many others, are indicators that the democratic prohibition of force is far from established. Such actions dangerously undermine the democratic rules (Schedler, 2001:70-71). The second symptom of antidemocratic behaviour is *the rejection of elections*. A democratic regime’s core institution is free and fair elections; if any legitimate political party acts in any way that is detrimental to the healthy functioning of this institution it is regarded as antidemocratic (Schedler, 2001:71). The third symptom is *the transgression of authority*. A liberal democracy requires a strong rule of law, one where no man or woman is above the law. “Democratic officials must give up the habit of putting themselves above the law. Political actors have to obey the laws, the constitution, and mutually accepted norms of political conduct” (Diamond, 1999:69). Small transgressions might go unnoticed; however, when rules are violated to such an extent that these violations become accepted as the norm, then democratic prospects darken (Schedler, 2001:71-72).

Attitudinally: consolidation is reached when a strong majority of the public holds the belief that democratic procedures and institutions are the most appropriate way to govern collective life, even in the face of major economic issues and/or deep dissatisfaction with incumbents. Also when there is minimal support for anti-system alternatives (Linz & Stepan, 1996:4).

Michael Bratton and Robert Mattes (2001:447) assess democratic consolidation by evaluating the popular support for political regimes. They argue that once citizens are willing to voluntarily accept and practice the rules that govern them, they provide a regime with an elusive but crucial quality, which is political legitimacy. Schedler (2001:75) agrees that observers may not feel confident in relying solely on the study of behaviours to evaluate possible consolidation, but would rather base their expectations on the preferences and values of actors. The study of political attitudes emphasises discovering whether actors’ normative, strategic or cognitive rationality adapt to democratic consolidation’s requirements of stability (Schedler, 2001:75).

Democratic political culture and legitimacy fall under the *normative foundations* of political attitudes, and for a number of academics, democratic legitimacy – the genuine support for democracy by political elites as well as citizens – highlights the most significant element of democratic consolidation (Schedler, 2001:75). The political culture of a society is “the system of empirical beliefs, expressive symbols, and values which define the situation in which political action takes place” (Verba, 1965:513), and it is this political culture – many believe – that can shape the future of a democracy. It is fair to expect that certain beliefs and values are more conducive to a democratic society than others. Certain values and beliefs, such as hostility or distrust are logically not conducive to pluralism in a democracy (Huntington, 1984:209). High levels of mass support provide a springboard that assists democracies in preventing the occurrence of crises; there is considerable evidence that supports the idea that actors’ regime preferences matter a great deal for the survival of a regime. “No democracy embedded in a “democratic consensus” has ever broken down” (Schedler, 2001:75).

To conclude the attitudinal foundations of democratic consolidation it is important to note that Bratton and Mattes (2001:447) maintain that when both the leaders and the citizens of a country “conclude that no alternative form of regime has any greater subjective validity or stronger objective claim to their allegiance” democracy is consolidated.

Structurally: The structural conditions refer to institutions as well as the socio-economic context of a state. In short, democracy has successfully attained consolidation when both governmental and nongovernmental parties become subjected to, and habituated to, the addressing of conflict or disagreements within the confines of a set of specific laws, institutions and procedures sanctioned by the newly founded democratic process. Strong healthy institutions are vital, and rules are of the utmost importance (Linz & Stepan, 1996:4). Not only do institutions play a role, but socio-economic factors need to be desirable, as the “level of economic development has a very strong effect on the probability that democracy will survive” (Schedler, 2001:80).

Many view the economic performance or wealth of a country as the ultimate indicator as to whether democracies will thrive or crumble. Przeworski, Alvarez, Cheibub, and Limongi (1996:39) firmly argue that if a democracy is to be established in an economically developed country it shall endure, regardless of the external conditions and its performance. They list a number of socio-economic factors that are required for a democracy to reach consolidation. These factors include: affluence, growth with moderate inflation, declining inequality, and a favourable external community (Przeworski *et al.*, 1996:39).

Przeworski et al, (1996:41) agree with Seymour Martin Lipset (1963) in that “the more well-to-do a nation, the greater the chances that it will sustain democracy”. For some countries, wealth and affluence is as rich as it gets; once the democracy of these ‘well-to-do’ states is in place, affluence is all it takes to keep them alive (Przeworski *et al.*, 1996:41). The further one moves towards the top end of the economic ladder, the greater are the chances that those countries will be democratic, thus the correlation between wealth and democracy is fairly strong (Huntington, 1984:200). It is important to note however, that wealth is not a prerequisite for a democratic future; poorer states have witnessed the survival of democracy too, as long as economic growth is generated and accompanied by a moderate rate of inflation (Przeworski *et al.*, 1996:41). Economic performance is thus crucially important for the survival of democracy, especially in poorer countries (Przeworski *et al.*, 1996:42). In their study, Przeworski *et al.* (1996:43) furthermore found that the probability of democracy lasting in countries with low levels of income inequality is much higher than countries with higher levels of income inequality. Diamond (1990:57) connects the reduction of inequality and economic growth; he firmly states that only once a state has obtained a degree of economic growth can it lessen the income inequality that burdens it.

The emergence of a democracy in a society is nudged along by a number of different factors: greater social pluralism, a strong and autonomous bourgeoisie, a more market orientated economy, higher levels of economic well-being, greater influence by the society of existing democratic states, a diversely tolerant culture, and the absence of extreme inequalities in wealth and income (Huntington, 1999:214). One must however look beyond these and consider political institutions in order to fully understand the driving force behind consolidated democracies (Kapstein & Converse, 2008:61). Political institutionalism in the face of all other factors concerning democratic consolidation appears to be the most crucial for the consolidation process according to Diamond (1999:70). This thesis will turn its attention to further examining the theoretical framework of political institutionalism.

In summary, with consolidation, democracy becomes deeply internalised and routinised in institutional, social, and psychological life as well as in calculations for achieving success (Linz & Stepan, 1996:5). Although this thesis will rely on the structural foundations, more specifically institutional foundations, upon which democracy can be measured, it is important to take into consideration both the behavioural and the attitudinal foundations as all three are of great significance in the study of democratic consolidation theory as a whole. Focus will now move to the institutional foundations, which will make up the theoretical framework of this thesis.

2.5 Theoretical framework: Political Institutions

Under the structural foundations of democratic consolidation and stability are two different schools of theorists, the first being the modernists, such as Przeworski (1996) and Lipset (1963), who focus on the socio-economic factors that shape democratic governance. In terms of the socioeconomic foundations of democracy, Schedler's (2001:80) discussion suggests that levels of economic development translate into important constraints and opportunities for the consolidation of democracy. Along with levels of economic development, poverty and social inequality have been persistent concerns of scholars of democratic consolidation, since they tend to menace the very stability of a democratic regime. The second group consist of institutionalists, such as Linz and Stepan, and Kapstein and Converse; they focus on institutions and argue that institutions are the backbone to any functioning democracy. In terms of the institutional foundations of democracy, the debate has mainly revolved around the institutional design of forms of government and electoral systems. In general, the literature has conceived of formal institutions primarily as incentive structures (that either encourage or discourage antidemocratic behaviour) (Schedler, 2001: 81). Both schools of thought analyse the indirect political and societal conditions that urge and support the growth of democratic behaviour, attitudes, and actors (Schedler, 2001:80).

Although a large body of literature exists regarding democratic consolidation, and the opinions of different academics and scholars in this field differ greatly, it is important to highlight one explanation – regarding democratic development – that has over the past century risen above the others. It provides the much-contested field of democratic consolidation with a straightforward clarification as to why certain democracies have the ability to succeed in their efforts to achieve consolidation, and why others are either on the path toward destruction, or have already failed miserably. Many have argued that the explanation which best address democratic consolidation efforts is that of institutions.

Institutionalisation has provided the most sensible outlook on democratic consolidation, supported by the writings of respected and influential scholars in the field of democratic studies, such as Diamond, Huntington, Linz and Stephan, Kapstein and Converse, Dahl and O'Donnell to mention a few. To avoid any misconception, these academics have not by any means ignored the importance of other factors contributing to democratic consolidation; in fact they acknowledge the importance of other factors, seeing them as complementary: however, their focus remains on institutions. A successful democracy with a hope of enduring is one that guarantees basic civil rights and the ability to effectively cater to the citizens' basic needs, while claiming a legitimate monopoly of force over a certain territory (Linz & Stepan, 1996:10). This confirms that in order for political

institutions to be successful, the citizenry is relied upon to generate support and commitment towards the newly democratic system. Therefore, the core elements of democratic development rest upon equality, freedom, rights, and political institutions (Linz & Stepan, 1996).

2.5.1 Defining and identifying institutionalisation

In view of Linz and Stepan's (1996) definition of a consolidated democracy with regard to democracy being seen as the only game in town, O'Donnell (1996) responded by saying that their view of the only game is "too minimalist". Instead his more expansive definition suggests that the "main criterion for democratic consolidation or institutionalisation is more or less explicitly a reasonable fit between formal rules and actual behaviour" (O'Donnell, 1996:41). He goes on to define institutions as "regularized patterns of interaction that are known, practised, and regularly accepted (if not necessarily normatively approved) by given social agents who, by virtue of those characteristics, expect to continue interacting under the rules and norms formally or informally embodied in those patterns. Sometimes, but not necessarily, institutions become formal organizations: they materialize in buildings, seals, rituals, and persons in roles that authorize them to 'speak for' the organization" (O'Donnell, 1996:41). Furthermore, North (1990:3) refers to institutions as "the rules of the game of a society and consist of formal and informal constraints constructed to order interpersonal relationships." Thus a constitution is seen as "a social contract between the rulers and the ruled" (Baregu, 2010:28). O'Donnell's definition of consolidation lays emphasis less on elections, but instead more on a high degree of institutionalisation in the areas of parties, legislature, and other political institutions (Kearsey, 2007:14).

Often political institutions are categorized together; however, O'Donnell (1996:41) is concerned with a subset of institutions known as democratic institutions. According to him democratic institutions are political institutions in a broad sense as they have some recognizable, direct relationship with the main themes of politics, which include the making of decisions that are mandatory within a given territory, the channels of access to those decisions and to the governing roles that enable making them, and the shaping of the interests and identities that claim access to those channels and decisions (O'Donnell, 1996:41). These institutions include: constitutional requirements governing affairs between the executive and legislative branches of government, degrees of decentralization, the rule of law, and electoral systems (Colomer, 1995:74), and are said to be the prerequisites for an enduring democracy.

O'Donnell (1996:41) firmly states that in the functioning of contemporary, complex societies, democratic political institutions are a fundamental level of aggregation between structural factors and individuals as well as diverse groupings under which society tends to organize its various interests and identities. Non-institutionalized democracies are characterized by the restricted scope, the weakness, and the low density of whatever political institutions they possess (O'Donnell, 1996:41). Other, non-formalized but strongly operative practices — especially clientelism, patrimonialism, and, indeed, corruption — take the place of the former, jointly with various patterns of highly disaggregated and direct access to the policymaking process (O'Donnell, 1996:41).

Linz and Stepan (1996) elaborate the institutionalist argument by referring to a set of criteria – a set of interrelated and mutually supportive conditions that must be present in existing and functioning states in order for democracy to be consolidated. These include the need for a relatively independent and valued political society, the need for emphasis to be placed on the rule of law to ensure the protection of all citizens as well as to ensure legal guarantees for basic freedoms and citizens' associational life, and the need for a usable state bureaucracy (Linz & Stepan, 1996:7).

Political society refers to an arena in which the polity specifically arranges itself to contest the legitimate right to exercise control over public power and state apparatus (Linz & Stepan, 1996:8). Political society is complemented by the existence of a lively and independent civil society. A full democratic transition and especially democratic consolidation must involve political society (Linz & Stepan, 1996:8). Linz and Stepan (1996:8) further state that the composition and consolidation of a democratic polity must entail serious thought and action concerning the development of a normatively positive appreciation of those core institutions of a democratic political society – political parties, elections, electoral rules, political leadership, interparty alliances, and legislatures – by which society constitutes itself politically to select and monitor democratic government. In short, the variety of institutional and political conditions, such as those mentioned by Linz and Stepan (1996), are important determinants of the success of well-functioning democracies (Kearsey, 2007:14)

To achieve a consolidated democracy, the necessary degree of autonomy and independence of civil and political society must further be imbedded in and supported by the *rule of law* (Linz & Stepan, 1996:10). Throughout the state all significant political actors, especially the government and the state – must be subjected to a rule of law that protects individual freedoms (Linz & Stepan, 1996:10). A certain degree of independence of both political and civil society needs to be rooted in and mutually supported by the rule of law, meaning that all actors must become habituated to, and

held accountable to the rule of law. For the rule of law – one that is brought to life by a strong degree of constitutionalism – is an irreplaceable condition for democratic consolidation. The former Secretary-General of the United Nations, Kofi Annan (2004:4), defined the rule of law as:

A principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.

Constitutionalism entails a robust and stout unanimity with regards to the constitution, with special emphasis on a commitment to “self-binding” measures of governance that can only be changed by exceptional majorities (Linz & Stepan, 1996:18-19). The rule of law is one of the most crucial elements required for the existence of an accountable ruling elite and state administration. A network of laws, control agencies, courts, reviews, and civil-society norms provides transparency, accountability, and checks the state’s illegal activities. Such a law-bound, constraint-embedded state is a solid requirement of a consolidated democracy. The more institutions in a state that follow the rules laid out by the law, the higher the quality of democracy will be (Linz & Stepan, 1996:19).

Lastly, there must be in place a *state bureaucracy* (Linz & Stepan, 1996:11). To protect the rights of its citizens and to deliver the other basic services that citizens require, a democratic government needs to be able to exercise effectively its claim to the monopoly of the legitimate use of force in the territory (Linz & Stepan, 1996:11). Modern democracy, therefore, needs a functioning state and a state bureaucracy (Weberian bureaucracy) that is considered usable by the democratic government is an indispensable condition (Linz & Stepan, 1996:11). A Weberian bureaucracy is based on several key elements that are seen as necessary for a well-functioning, democratic bureaucracy. They include; a clearly defined division of authority and labour, recruitment to offices based on expertise and specialized skills, duties and authority attached to positions and not individuals, a hierarchical structure of offices, office holding as a career or vocation, and written guidelines prescribing performance criteria (Jaffee, 2000:90).

O’Donnell (1996:41-44) goes on to argue that political institutions should embody certain characteristics before they can be accepted as democratic political institutions. He therefore

describes some characteristics of a functioning institutional setting. Firstly, it is important that *institutions should both incorporate as well as exclude*. According to him, institutions should establish what agents, on the basis of what resources, claims and procedures, are accepted as viable voices in their decision-making process (O'Donnell, 1996:42). In summary, the scope of an institution is the degree to which it essentially incorporates and excludes a set of potentially pertinent agents (O'Donnell, 1996:43).

Secondly, *institutions shape the probability distribution of outcomes*. Only certain actors and resources are processed by certain institutions, and these institutions do it under certain rules. In turn this predetermines the range of feasible outcomes, as well as the probability of those within the range (O'Donnell, 1996:43). For example, democratic institutions prohibit the threat or use of force, as well as the possible outcomes it would generate (O'Donnell, 1996:43).

The third characteristic of democratic political institutions is that they *tend to aggregate, and to stabilize the aggression of, the level of action and organisation of agents interacting with them* (O'Donnell, 1996:42-43). Strategic decisions by agents regarding the degree of aggregation that is most effective for them is influenced by the rules established by institutions.

The next characteristic is that *institutions induce patterns of representation*. Representation in this sense involves, on one side, the recognized right to speak for others and, on the other side, the capability to provide the compliance of those others with what the representative decides (O'Donnell, 1996:43). As far as this capability is validated and the given rules are respected, institutions, along with the interacting representatives, cultivate an interest in their mutual determination as interacting agents (O'Donnell, 1996:44).

Institutions stabilize agents/representatives and expectations, is the fifth characteristic of a functioning institutional setting. Over time institutional representatives and leaders expect from each other behaviour that fits into a relatively narrow range of possibilities. This is not to say that all agents like the narrowing of expected behaviours; however they envision that any deviation from these expectations are most likely to be counterproductive. When this point is reached it may be said that an institution is strong; it is in balance and it is in no one's interest to change it (O'Donnell, 1996:44).

The sixth and final characteristic is that *institutions lengthen the time horizons of actors*. The previous characteristic entails a time dimension, as institutionalized interactions are expected to

continue into the future, most likely among the same or similar set of agents (O'Donnell, 1996:44). O'Donnell (1996:44) states that this, together with a high level of aggregation of representation and of control of the constituencies, is the foundation for the “competitive cooperation” that characterizes consolidated democracies. Furthermore he argues that the virtuous circle is complete when the majority of democratic political institutions achieve not only reasonable scope and heightened strength but also, at a more aggregate level, they reach high density resulting in multiple, and stabilized mutual relationships which locate those institutions as important decision points in the overall political process (O'Donnell, 1996:44). Thus the regime of an institutionalized, consolidated democracy arises (O'Donnell, 1996:44). To summarize O'Donnell's argument, in the functioning of contemporary, complex societies, democratic political institutions are a significant level of mediation and aggregation between structural factors as well as individuals and diverse groupings under which society tends to organize its identities and interests (O'Donnell, 1996:41-44). The most important of these political institutions is the constitution as it is the force that brings together all other political institutions and makes provision for further political institutions. Finer (1997:1502) defines constitutions as, “codes of rules which aspire to regulate the allocation of functions, powers and duties amongst the various agencies and officers of the government and to define the relationships between these and the public”.

2.5.2 Operationalising institutional prerequisites for democratic consolidation

Young democracies can be expected to suffer from initial institutional weakness, as it takes a great deal of patience and effort to develop strong and credible institutions. Judicial authorities need a certain leniency in order to establish their independence from political intrusion. Central banks need a period of time afforded to them in which they can maintain stable monetary policies over time in order to establish their inflation-tackling qualifications. Political parties take time to form and converge according to different issues and areas of interest. Parliaments and executives too need time to shape their responsibilities and roles so as to forge successful power-sharing agreements that are efficient. The longer a democratic regime can endure and enjoy successful, independent, and institutionalized democratic political institutions the less likely it is to regress (Kapstein & Converse, 2008:58).

Merkel (2008:16) highlights the key areas that should be checked off in order for democratic political institutions to be fully consolidated, and in turn for democracies to reach consolidation. They include: institutional efficiency, meaning that the said institutions should warrant swift, appropriate decisions with regards to policies, as well as produce political stability. Secondly,

institutional transparency, meaning all political decisions should be reviewable, attributable, and democratically legitimated. Lastly, institutional inclusion: each institution has a duty to promote social and political integration as well as participation.

With reference to Conteh-Morgan's (1997:6) take on power, previously mentioned in section 2.3 as a means of transitioning from coercive rule to democratisation, it is obvious that democratic institutions are more than incentives afforded to elites, in fact they have the power to create effective constraints against certain acts of antidemocratic behaviour and actions. A key element of transitioning democracies is the ability to secure competitive elections which are highly institutionalized and the key for implementing this lies in the field of electoral governance, which in itself is a huge institutional arena (Schedler, 2001:81). Once democrats have gained the opportunity and ability to put the central election management body beyond the reach and control of authoritarian manipulation, they will be able to see the light at the end of the tunnel. It is of course no easy task; authoritarian style governments may go to great lengths to control the electoral process via alternative means, such as restricting political and civil liberties. However, if institutions that practise and promote limitations to executive power are put in place and antidemocratic actors are restrained, it will be a tough task to sabotage the electoral process, the judiciary, the constitution, and other democratic practices (Schedler, 2001:81). It is important to highlight that despite

In agreement with Conteh-Morgan (1997), research over the years points towards the growing importance of political institutions, especially political institutions that place constraints on the executive branch of government. Kapstein and Converse (2008:57-58) point out that, if the executive branch of government – regardless of whether it is a presidential or parliamentary system – faces only weak constraints, then the temptation to snatch as much political and economic power as possible, for personal gain, grows. This in turn creates the problem many nations today are faced with; the concentration of power in the hands of the few. In instances where this sort of power investment has taken place, authoritarian leaders almost immediately try to roll back existing constitutional constraints. It is however also important to highlight that in instances where strong sets of rules and constraints exist, occasionally unique situations of party dominance appear to allow ruling elites to either ignore or completely alter these rules, which in turn can also lead to the regression of democracy. Kapstein and Converse (2008:64) stress the importance of assessing the balance and separation of powers within new democracies, and argue that the executive branch needs to be accountable above all else. It is the argument of this thesis that the constitution is the key political institution to ensure that there are the necessary constraints on the executive, and that

the space for other key political institutions is created. Dahl in his article (2005) “what political institutions does large-scale democracy require?” highlights what these other political institutions are.

Dahl (2005) highlights a set of political institutions necessary for a large-scale democracy to take shape, meaning the political institutions necessary for a democratic country (Dahl, 2005:187). These institutional requirements comprise elected officials; free, fair, and frequent elections; freedom of expression; alternative sources of information; associational autonomy and inclusive citizenship (Dahl, 2005:188).

Firstly, large-scale democracies require *elected officials*, as this encourages effective citizen participation and control of the agenda. When this political institution is effectively present in a country, then control over government decisions about policy is constitutionally vested in officials elected by citizens (Dahl, 2005:188-193).

The second political institution required is *fair, free and frequent elections*. Through such an institution, elected officials are selected in frequent and fairly conducted elections in which coercion is reasonably uncommon (Dahl, 2005:188-189). This political institution satisfies voting equality along with control of the agenda (Dahl, 2005:193). Every citizen has the right to have an equal and effective opportunity to vote; moreover all votes have to be counted as equal. If equality is to be implemented in voting then elections understandably need to be free and fair. Free elections mean that citizens can vote without fear of reprisal; and fair elections is that each and every eligible vote is counted. However free and fair elections are not sufficient; they need to be frequent in nature too (Dahl, 2005:195). Furthermore, in order to ensure that elections are free, fair and frequent there is the need for an independent electoral commission, as previously argued.

Freedom of expression is the third political institution of importance to a large-scale democracy. Citizens have the right to freely express their political values and beliefs without danger of severe punishment, including criticism of the government, of officials, the socio-economic order, the regime, and the dominant ideology (Dahl, 2005:189). This institution allows for effective participation, enlightened understanding, as well as control of the agenda (Dahl, 2005:193). Dahl (2005:196) points out that silent citizens make perfect subjects for an authoritarian ruler, and would be disastrous for a democracy.

The fourth institutional requirement is that of *the availability of alternative and independent sources of information* (Dahl, 2005:196). This political institution has the responsibility of protecting citizens' rights to seek out alternative and independent sources of information from experts, newspapers, books, magazines, telecommunications, Internet sources as well as other citizens. Furthermore, alternative sources of information should actually exist which are not state controlled or under the control of any other political group attempting to influence citizens' political values and attitudes, and should be protected by the law (Dahl, 2005:189). This institution embraces the same democratic criteria as that of *freedom of expression*, such as: effective participation, enlightened understanding and control of the agenda (Dahl, 2005:193).

Associational autonomy, or the independence of associations is the fifth important political institution required in a large-scale democracy, and it too allows for effective participation, enlightened understanding and control of the agenda. In order for a state to reach democracy there is a need for political institutions such as interest groups, political parties and lobbying organisations. Political associations not only provide citizens with information but also with opportunities for the acquisition of political skills, deliberation as well as discussion (Dahl, 2005:197).

The final institutional prerequisite for democracy is that of *inclusive citizenship*. In short this means that no adult citizen residing in a country on a permanent basis and subject to its laws can be denied the rights that are available to others and are necessary to the five institutions listed above as well as rights to other liberties and opportunities that may prove necessary for the effective operation of the political institutions of a large-scale democracy (Dahl, 2005:189).

Through the set of criteria of institutional requirements laid out above, this thesis will attempt to analyse Zimbabwe's political institutions. The research assignment will place great emphasis on Zimbabwe's Lancaster Constitution, in order to assess whether its 1979 Constitution made provision for constraints on executive power, as well as for the establishment of the necessary political institutions.

2.6 Conclusion

Since the birth of its independence, Zimbabwe has been under scrutiny for failing to adhere to democratic practices, giving rise to a growing pool of academic research and work concerning the shortcomings of democracy within the country, despite regular, multiparty elections. Given the fact that Zimbabwe has once again witnessed a controversial set of elections, an assessment of these

weaknesses is necessary. With respect to the literature assessed above, some scholars of political science have attributed the failing of democracies to the inadequacies or lack of democratic institutions. In light of these studies this literature review aims to lay the foundation for the analysis of this thesis, where the key objective will be to assess whether the democratic regression and limitations of Zimbabwe are due to its failure to fully embrace democratic political institutions, in particular its constitutional shortcomings - which, to a large extent, could be to blame for the country's inability to functionally institutionalize democratic political institutions.

North (1990:3) refers to institutions as “the rules of the game of a society and consist of formal and informal constraints constructed to order interpersonal relationships.” According to O'Donnell (1996:41) democratic institutions are political institutions in a broad sense as they have some recognizable, direct relationship with the main themes of politics, which include the making of decisions that are mandatory within a given territory, the channels of access to those decisions and to the governing roles that enable making them, and the shaping of the interests and identities that claim access to those channels and decisions. These institutions include: constitutional requirements governing affairs between the executive and legislative branches of government, degrees of decentralization, the rule of law, and electoral systems (Colomer, 1995:74), and are said to be the prerequisites for an enduring democracy. Furthermore there is a certain set of political institutions required for democratic consolidation. These include: elected officials, free, fair and frequent elections, freedom of expression, alternative sources of information, associational autonomy and inclusive citizenship. In addition to these institutional prerequisites there is the fundamental need for effective constraints to be placed on executive power. The theory of Kapstein and Converse, which acknowledges the need for effective constraints on executive power and the theory of Dahl which presents a set of political institutions required in a democracy will thus form the theoretical framework for analysis in Chapter Four. This thesis seeks to measure Zimbabwe's institutionalisation in terms of whether its 1979 Constitution made provision for sufficient constraints on executive power and the establishment of these political institutions.

The following chapter is descriptive in nature, and aims to create a better understanding of Zimbabwe's political history and current political situation. It seeks to provide a brief overview of the country since the 1965 Unilateral Declaration of Independence. Furthermore- working within the time frame between 1965 and the present day- it seeks to highlight the important role players, transitions, negotiations and important governmental actions which all contribute to the analytical section of this thesis. The main objective of this chapter is to provide the reader with a holistic understanding of Zimbabwe's political situation in order to fully grasp the analysis of the thesis.

Chapter 3: Zimbabwe: From authoritarianism to democracy and back

3.1 Introduction

Zimbabwe, according to Jeffrey Herbst (2007:71), has destroyed itself. After attaining independence in 1980, Zimbabwe seemed to be on a path leading towards a successful political and economic future (Sachikonye, 2002:13). Not only did this newly independent state have a middle-income status but it was among the top four most industrialized countries in Sub-Saharan Africa. Furthermore, it showed signs of a highly diversified economy, with a better human resource base than most (Sachikonye, 2002:13). President Robert Mugabe even seemed to be fully committed to racial reconciliation because he understood that it was the best way to spawn development in the newly independent African state (Herbst, 2007:71). In the early days of Zimbabwe's independence, not many predicted that the country would come to such ruin, given that her greatest threat came from the South African apartheid regime (Herbst, 2007:71). Taking all these points into consideration it was therefore easy to assume that Zimbabwe had better prospects of making a head start in political and economic development than most of her continental counterparts (Sachikonye, 2002:13). Initially, in the early years of independence, Zimbabwe seemingly performed well and appeared to live up to a number of these expectations, with massive expansion in the social and educational sectors, as well as considerable investment in the economy. The country was very quickly dubbed the breadbasket of Africa (Sachikonye, 2002:13).

By the late 1990s, after a short-lived decade of success, it began to spiral downwards. As Sachikonye (2002:13) states, the country went from being a breadbasket to being a "basket case". It was no longer an anchor of regional stability in Southern Africa, but instead a potential source of economic and political disorder, hurting not only the country's efforts to lure investment, but also the entire region's efforts (Sachikonye, 2002:13). Authoritarianism began to overshadow any previous efforts at democratic transition, and found expression mostly in growing levels of political violence most notably during election campaigns (Sachikonye, 2002:13). But what went wrong?

This chapter provides a descriptive case of Zimbabwe's political history, by highlighting the important role players, events and negotiations in order, later in the analysis of this thesis, to answer the question of what went wrong. The aim of the chapter is to provide a description of Zimbabwe's transition from authoritarianism to democracy, and the subsequent processes of regression to authoritarianism under ZANU-PF rule.

3.2 Historical political overview

The form which nationalism and the liberation struggle took in the 1960s and 1970s as well as the constitutional settlement negotiated at the Lancaster House Conference in 1979, greatly influenced Zimbabwe's constitutional and political history, and have furthermore shaped the country's current political landscape (Sachikonye, 2002(a): 173). In the early years, following the end of the Second World War, Zimbabwe saw the rise of a conservative nationalist movement, which was confronted by a stubborn white minority regime that refused to acknowledge independence, instead going on to announce a Unilateral Declaration of Independence (UDI) on 11 November 1965 (Sachikonye, 2002(a): 173; Raftopoulos & Mlambo, 2009). The UDI regime relied on coercive measures to try to contain the nationalist sentiments but was ultimately unsuccessful in its attempts, resulting in the nationalist movement becoming a liberation movement (Raftopoulos & Mlambo, 2009). This was the liberation movement which gained momentum in the 1970s and eventually forced the white minority regime to the negotiating table (Sachikonye, 2002(a): 173).

During the 1960s, the early years of the liberation struggle, there was intense rivalry within the movement, between the two main parties that led the struggle. The Zimbabwe African National Union (ZANU), led by Ndabaningi Sithole and the Zimbabwe African People's Union (ZAPU), led by Joshua Nkomo, the former "Father of Zimbabwe", often did not share the same sentiments with regard to tactics, engagements or the outlook for a future independent state (Sachikonye, 2002(a): 173; Raftopoulos & Mlambo, 2009). Violence and coercion played a huge role in colonialist strategies to block independence as well as in nationalist politics themselves. The recurring use of torture, killings and detention was propagated by the colonial regime; however, nationalists also relied greatly on force to gather support (Ellert, 1989; Sithole, 1999). Force, coercion, human rights violations and acts of violence thus became entrenched in Zimbabwe's political culture, which in turn have had long-term consequences for the shaping of post-independence politics (Sachikonye, 2002(a): 175), creating a state mired in anti-democratic behaviour, practices and antics.

3.2.1 From WW2 to UDI

The period between the outbreak of World War Two and the Unilateral Declaration of Independence by Rhodesian Prime Minister Ian Douglas Smith in 1965 was an important one in Zimbabwe's history (Mlambo, 2009:75). During this phase, Southern Rhodesia³ not only

³ Southern Rhodesia was the name formerly given to Zimbabwe by the British. It was part of the Federation of Rhodesia and Nyasaland, which was made up of Northern Rhodesia (Zambia), Nyasaland (Malawi) and Southern Rhodesia (Zimbabwe). After the dissolution of the Federation of Rhodesia and Nyasaland in 1964, Southern Rhodesia was referred to simply as Rhodesia.

experienced far-reaching demographic, social, economic and political changes. There was also a steady progression towards transformation in the self-perception and political consciousness of the African population which was reflected in a change of attitude towards white colonial rule – from an initial position of asking for fairness in governance to one of demanding self-rule (Mlambo, 2009:75). The development of mass nationalism from the 1940s to the 1960s had to compete with a range of contending and interrelating political and identity claims. In the rural areas of Rhodesia, as in many other African nations during this period, involvement in a number of institutions and organisations was the norm, with political actors including farmers, teachers, workers, chiefs, religious figures and traditionalists (Raftopoulos & Mlambo, 2009:4). Thus, the multidimensional nature of rural politics in Africa emphasises the need to evade the view of a single African political culture, as well as “the strict divisions between the customary and the modern” (Alexander, 2006:9). In similar vein, in the urban areas, the process of envisaging a nation with a set of social boundaries was part of a multifaceted dynamic whereby different identities such as gender, region, ethnicity and labour consciousness complemented and competed with one another (Msindo, 2007:273).

African Nationalism in Zimbabwe began to seriously make its mark in the late 1950s when the first generation of university graduates took leadership of the nationalist movement, which they had a hand in initiating (Sithole, 1993:36). Prior to this, until the late 1950s, numerous members of the African elite held onto the idea of the possibilities and opportunities of multicultural politics as well as a meritocracy based on non-racial principles (Raftopoulos & Mlambo, 2009:5). The African nationalist movement became prominent in the late 1950s as they began to realise the white minority’s resistance to majority rule and independence. In 1958 the United Federal Party (UFP), based on tight principals of racial segregation and led by Edgar Whitehead had won the general election. The UFP’s victory in the elections demonstrated support for racial separation rather than the African nationalist’s multiracial political approach, which would include African elites in political positions as well as afford basic political rights to the majority of Africans living in Southern Rhodesia. On 1 January 1960, African nationalists including Mawema, Zvobgo, Silundika and Nkala, founded the National Democratic Party (NDP), whose main aim was an explicit demand for majority rule under collective suffrage (Mlambo, 2009:107). The NDP grew quickly, drawing support from both rural and urban citizens; however its success was short-lived as it was banned in December 1961 due to widespread destruction of property and some deaths of protestors (Mlambo, 2009:109).

The banning of the NDP was what led to the establishment of ZAPU under Joshua Nkomo, which would become one of the main role players in the struggle for an independent state of Zimbabwe (Mlambo, 2009:109). ZAPU was to split only a few years after it was launched, creating yet another key role player in the liberation struggle, ZANU. A contributing factor to the split was Nkomo's alleged weakness as a leader, based on his handling of the 1961 constitutional talks, held at the insistence of Southern Rhodesia and mediated by Britain. The Whitehead office held the belief that a new constitution would lead to the eventual independence of Southern Rhodesia from British rule, in line with developments in other British colonies such as Nyasaland (Malawi) and Northern Rhodesia (Zambia) (Mlambo, 2009: 109). The leaders of ZANU believed in a "policy of direct confrontation" with the white settler regime (Sithole, 1993:36) thus, Nkomo's negotiations, which did not spawn much other than a poor attempt from the white regime to make it seem as though Africans were included in politics by affording them the opportunity to vote on a "B-roll" – but that vote counting less than that of the whites – did not sit well with the more radical nationalists (Mlambo, 2009: 109).

The black nationalists were not the only ones dissatisfied with the UFP's new constitution, which was approved in mid-1961; the white citizens, concerned about Rhodesia's economic status and concerned that the new constitution would lead to a fast track transition to majority rule, formed a coalition which sabotaged the political reforms proposed by the UFP, subsequently giving rise to the Rhodesian Front (RF) (Bond, 1998: 111). The RF went on to win the general elections of 1962 and two years later, at the insistence of Britain that Africans become more involved in Rhodesian politics, Ian Douglas Smith became the first Rhodesian-born Prime Minister (Mlambo, 2009:110). Smith, under the RF, made little progress in negotiating for independence from Britain, which led to the RF opting for a Unilateral Declaration of Independence (UDI) on 11 November 1965. This was the big step towards a collision between the Rhodesian white population and the African majority (Mlambo, 2009: 110).

Meanwhile, as mentioned above, in the ranks of ZAPU there was growing frustration with Nkomo's leadership (Meredith, 2002: 29); it was criticized as "vacillating and indecisive, focused almost exclusively on pseudo-diplomacy and lobbying foreign governments and international organizations" (Gibson, 1972: 161-162). Thus, in 1963 African nationalists split into two major movements, one under the leadership of Joshua Nkomo and the other led by Ndabaningi Sithole, who was supported by Leopold Takawira, Moton Malianga and Robert Mugabe (Gibson, 1972: 162). The split came after dissatisfaction by some nationalist leaders who claimed that Nkomo had sold out by accepting the fifteen African seats at the 1961 constitutional discussions (Mlambo,

2009: 111). It is however noted that the entire NDP team – including Robert Mugabe, who was one of the leaders of the breakaway in 1963 – had in fact concurred in the decision and only later, when facing criticism from party supporters, did they renounce the 1961 constitution. Instead, authors have argued that the split came mainly due to temperament and personality differences among the leaders rather than any significant strategic differences (Mlambo, 2009: 111). Another of the initial basic differences that caused the 1963 ZAPU-ZANU split was that the nationalist leaders were preoccupied with mobilizing international support and pressure against the white settler regime (Sithole, 1993:36). However, the debate surrounding the split and who was to blame is an unresolved matter (Mlambo, 2009: 112).

The split within the nationalist movement ushered in a disappointing chapter, as many argue that it weakened the liberation movement which was to follow. Supporters of the two parties battled one another in their own streets, diverting attention away from the more prominent cause, the anti-colonial struggle. Rhodesian authorities used this violence as an excuse to ban both parties in August 1964 (Mlambo, 2009: 112). Nkomo, Mugabe, Sithole and others were either imprisoned or detained, and those who evaded arrest went into exile in neighbouring countries, where they began to organise the armed struggle. With the coming of UDI in November 1965, Zimbabwe entered a new chapter in its unsettled political history (Mlambo, 2009: 112).

3.2.2 The fight for Zimbabwe

The course of events in Zimbabwe's history between 1965 and 1980 were in many ways very different from those of most African countries. Whereas decolonization and African majority rule had turned into a reality in several African states, among them Malawi (former Nyasaland) and Zambia (former Northern Rhodesia) in 1964 after the dissolution of the Federation (Northern Rhodesia, southern Rhodesia and Nyasaland) in 1963 (Mtisi, Nyakudya & Barnes, 2009: 118), developments in Southern Rhodesia took a different turn (Mtisi, Nyakudya & Barnes, 2009: 115). On the one hand Britain claimed to be committed to the attainment of black majority rule, while on the other hand white Rhodesians were determined to safeguard their existing political and economic privileges and move towards the consolidation of Rhodesia as a “white man's country” (Mtisi, Nyakudya & Barnes, 2009: 115). This determination created one of the world's most centrally controlled economies, described by Herbst as “Socialism-for-the-Whites” (Herbst, 1990: 22). Thus, instead of giving in to certain British requests, Ian Smith's Rhodesian Front (RF) moved in a very different direction with the issuing of the Unilateral Declaration of Independence in 1965. Furthermore, it set about creating an intimidating military machine aimed at crushing African

aspirations for independence – with assistance from neighbouring white-dominated states, South Africa and Portuguese East Africa (Chitiyo & Rupiya, 2005:331). For their part, African nationalists sought to gain independence, and follow in the footsteps of their neighbours. It was these conflicting visions of numerous different futures that led to a violent and complicated power struggle as numerous parties sought to contextualize the political, economic and social frontiers of the desired nation (Mtisi, Nyakudya & Barnes, 2009: 115).

3.2.2.1 The Unilateral Declaration of Independence

The political changes of 1964 ignited a number of diplomatic meetings and visits between Salisbury⁴ and London which were meant to resolve the stalemate over the political future of the country (Mtisi, Nyakudya & Barnes, 2009: 118). In 1965, prior to the RF's sudden Unilateral Declaration of Independence, the British position was summed up in "Five Principles" on which it would need to be satisfied before considering Rhodesian independence (Mtisi, Nyakudya & Barnes, 2009: 119; Brides, 1980:178). These principles were: 1. The principle and intention of unconstrained progress to majority rule as enshrined in the 1961 constitution, would have to be supported and guaranteed; 2. There would have to be agreements against retrospective modifications to the constitution; 3. There would have to be an urgent improvement in the political status of the African citizenry; 4. There would have to be progressive movement towards ending all forms of racial discrimination; 5. The British government would need to be satisfied that any basis for independence was acceptable to the Rhodesian people as a whole (Mtisi, Nyakudya & Barnes, 2009: 119; Brides, 1980:178). An additional principle, NIBMAR: No Independence Before Majority Rule, was added in 1966, which would mean that it would be necessary to ensure that regardless of race there was no oppression of majority by minority, or of minority by majority (Brides, 1980:178).

In November 1965, following the unsuccessful talks between the British Government, headed by Harold Wilson, and the Rhodesian Government, headed by Ian Smith, the latter unilaterally declared Rhodesia an independent state. The British Government immediately condemned this act and proclaimed this move illegal; moreover, they announced that the government of Rhodesia was in a state of rebellion against the Crown (Brides, 1980: 178).

The use of force on this newly proclaimed rebel regime was not an option for Britain, given the landlocked situation of the country and the fact that the RF had its own armed forces. With no

⁴ The former capital of Southern Rhodesia, renamed Harare after Independence.

British military presence, any kind of military operation by Britain would have proven extremely risky and a task of immense difficulty (Brides, 1980: 178). Along with the risks and difficulties of waging military conflict against Rhodesia, the British were greatly concerned about public opinion in their own country. Instead, Britain responded to the UDI by severing diplomatic ties with the RF regime and imposing official economic sanctions on Rhodesia (Mtisi, Nyakudya & Barnes, 2009: 126). These sanctions included the suspension of all commercial and financial transactions between Britain and Rhodesia (Brides, 1980: 178), the cessation of trade with Rhodesia, denying the country access to London's capital markets, as well as her removal from the sterling area and Commonwealth preference system (Mtisi, Nyakudya & Barnes, 2009: 126). The British Government held that it was confident that these sanctions would achieve the intended goal of pressuring the Smith regime to quickly reverse the UDI (Brides, 1980: 178; Mtisi, Nyakudya & Barnes, 2009: 127). Numerous countries followed Britain's lead in severing ties with Rhodesia, and in late 1966 economic sanctions were made mandatory on all member countries of the United Nations (UN) (Brides, 1980: 179).

In response to the virtual shutdown of the Rhodesian economy, the state attempted to diversify agriculture, restructure the financial system and implement measures to evade sanctions. Furthermore, the state relied on continued trade and relations with certain countries due to their reliance on Rhodesian products. The economy was able to stand its ground until the mid-1970s, when several crises – including the oil crisis of 1973 – combined to cause its collapse. All in all, the Africans were the most disadvantaged in the economic reorganization that followed the UDI (Mtisi, Nyakudya & Barnes, 2009: 140).

3.2.2.2 The liberation struggle

The attempts by Smith's RF government to protect the white Rhodesian population against the changing political landscape of the country were made difficult by the deepening economic, political and social crises in the country. However, also faced with grave challenges were the African nationalists, as their unity came under fire and their efforts were split (Mtisi, Nyakudya & Barnes, 2009: 141).

Opposition to white rule became progressively aggressive as the guerrilla war intensified in the early 1970s (Mtisi, Nyakudya & Barnes, 2009: 141). Numerous authors have agreed that Zimbabwe's armed struggle towards liberation began in earnest in 1972 with ZANU's military wing, the Zimbabwe African Liberation Army (ZANLA) launching an offensive in the north-

eastern region of the country (Maxey, 1977:64; Foley, 1993; Fogel, 1982). From 1972 onwards, virtually all the African nationalist movements put aside their different interests, and united in opposition to settler colonialism (Phimister, 1995: 82). The intense escalation and momentum of the armed struggle was deeply interlinked with growing rural economic grievances and the joining of many landless unemployed as guerrilla volunteers leaving Rhodesia (Phimister, 1995: 82). By 1974, the Smith regime as well as the settler farmers began to feel immense pressure from the escalating ZANU armed struggle (Fogel, 1982: 343).

Military developments in the country were at no time solely a Rhodesian affair. Until 1975, (Portuguese) Mozambique, South Africa and other African neighbouring countries played an important part in the political and economic outcomes of Rhodesia, with regard to the supplying of goods and support to the state as well as the supply of weapons and military support to the African nationalists (Mtisi, Nyakudya & Barnes, 2009: 144). However, the independence of Mozambique as well as Angola ushered in the beginning of a new era in Rhodesia's relationship with its neighbours. A result of this new era was that South Africa and Zambia, in conjunction with other African leaders, forced the Smith regime and the nationalist leaders to the negotiating table (Fogel, 1982: 344). This coinciding of interests led to the *détente* period, which began in late 1974 and was witnesses to protracted efforts by Kaunda⁵ and Vorster⁶ to arrange a negotiated settlement between the nationalist leaders and the Smith regime (Mtisi, Nyakudya & Barnes, 2009: 145). This *détente* arrangement brought ZAPU and ZANU together under the support of the African National Congress (ANC)⁷ – led by Bishop Muzorewa. The purpose of this arrangement was to grant Nkomo and Muzorewa access to the ZANLA guerrillas in an effort to persuade them to abandon their struggle by “dangling before them the prospects of the ‘promising’ negotiations between the reformist nationalist leaders and the Smith regime” (Fogel, 1982: 344). By early 1975 this umbrella union between Nkomo and Muzorewa was facing problems as the two leaders battled for power. Neither ZAPU nor ZANU recognised Muzorewa, who was regarded as nothing more than a figurehead (Nkomo, 2001: 155).

Under international pressure, the nationalist leaders attempted to put aside their differences. The result was the formation of the “Marxist-inspired” Zimbabwe People's Army (ZIPA) (Norman, 2008:60; Moore, 1990:310). In November 1975, this was an attempt to bring about unity between

⁵ Kenneth David Kaunda, served as the first President of Independent Zambia, from 1964 to 1991.

⁶ B. J. Vorster, served as the Prime Minister of South Africa from 1966 to 1978 and as President of South Africa from 1978 to 1979.

⁷ There existed two parties known as the ANC during this period – one in South Africa and the other in Rhodesia, led by Bishop Abel Muzorewa.

the two armies, ZANLA and the Zimbabwe People's Revolutionary Army (ZIPRA). (Moore, 1990:310). In 1976, following the formation of ZIPA, the liberation struggle spread rapidly across the northern part of Rhodesia as well as the eastern border of the country (Maxey, 1977:65). ZANU's armed struggle showed a large presence in the east along the Mozambican border while ZAPU operated predominantly in western Rhodesia, using bases in Zambia (Fogel, 1982:348; Meredith, 2002:38).

This increased guerrilla activity forced a response from the Smith regime. In doing so the regime imposed a range of new regulations which awarded the executive near-complete freedom and *carte blanche* in the military, political and judicial spheres of the country (Maxey, 1977:65). Additionally, the regime launched attacks on neighbouring countries, primarily directed at Mozambique (Maxey, 1977:66). Aside from the regime's attacks on foreign soil, the strategy against the guerrillas from within Rhodesia was to isolate the nationalist army from mass support by herding thousands of peasants into so-called "protected villages" – thus breaking contact between the guerrillas and ordinary citizens (Maxey, 1977:65). Due to these developments the broad anti-colonial alliance came under immense pressure and while guerrillas remained largely supported in certain areas, their reputation came under fire elsewhere (Phimister, 1995:83). Furthermore, ZIPA came apart at the seams as the senior nationalists removed the young cadres, who had spearheaded the alliance, in a typically authoritarian manner (Moore, 1990:310).

By late 1976, with increasing pressure from the independent African nations, talks were held in Geneva in October where Smith met with the four nationalist delegations led by Muzorewa, Nkomo, Sithole and Mugabe – who had replaced Sithole as president of ZANU (Mtisi, Nyakudya & Barnes, 2009: 147-148; Fogel, 1982:349). The purpose of these negotiations was yet another attempt to put pressure on the British government to oversee an African transition to majority rule (Fogel, 1982:349). Moreover, these negotiations led to the formation of a joint front – not a merger, as both organisations maintained their command structures – between ZAPU and ZANU, which was named the Patriotic Front (Mtisi, Nyakudya & Barnes, 2009:147; Norman, 2008:61). The creation of the Patriotic Front was an attempt by Nkomo and Mugabe to freeze Sithole and Muzorewa out of any possible negotiated settlement (Fogel, 1982:350). Although the Geneva negotiations failed in the main objective – to arrange for the transfer of power to black government – the formal military alliance between the two parties remained and was effective as the struggle against Smith's regime escalated (Britz, 2011:35). Despite their military partnership, differences continued to exist between the two parties and their respective armies remained acrimonious for a number of reasons including a general lack of trust (Mtisi, Nyakudya & Barnes, 2009:147;

Meredith, 2002:38). Amongst these numerous differences was the fact that ZANLA (ZANU) was a typical guerrilla-type army, employing non-conventional methods of warfare, whilst ZIPRA (ZAPU) was more of a conventional army designed to “substitute itself (partially) for the existing state apparatus after a prospective political deal with the colonial settler regime” (Fogel, 1982:350).

During this time the war escalated, with most of the bloody atrocities featuring particularly in the last phase of the war (Chung, 2006:144). The Rhodesian attacks on ZANLA camps in Mozambique in 1976 and 1977 and on ZIPRA camps in Zambia in 1978, were according to Chung (2006:144), the worst examples of the state’s no-holds-barred warfare. These attacks, which were largely focused on refugee camps, were a way of deterring the Frontline States (FLS)⁸ from giving further assistance to the liberation movements (Chung, 2006:277).

By the late 1970s, the cost of war had increased both financially and in terms of human resources and the fact that the Patriotic Front was making significant progress towards winning the war made political repositioning necessary (Mtisi, Nyakudya & Barnes, 2009:162). As pressure from the international community mounted, Smith made attempts to form a government that was acceptable to the external community (Mtisi, Nyakudya & Barnes, 2009:162). In November 1977, after a series of talks, Smith eventually negotiated with Sithole and Muzorewa and agreed to majority rule (Norman, 2008:63). This culminated in the 1978 Internal Settlement, whereby Smith co-opted Sithole, Muzorewa and Chief Chirau⁹ to enter into a coalition government (Fogel, 1982:355; Mtisi, Nyakudya & Barnes, 2009:162). Sithole and Muzorewa had at least one thing in common with Smith, their mutual resentment of the Patriotic Front, which resulted in neither Nkomo nor Mugabe being involved in the talks or the decision-making process, which eventually led to the Internal Settlement (Norman, 2008:63; Mtisi, Nyakudya & Barnes, 2009:162). In April 1979, an election was held to solidify this internal settlement, in which Muzorewa was elected Prime Minister. Despite this feeble attempt at settlement, the violence continued (Fogel, 1982:356). The new government – unrecognised by the international community as legitimate – was burdened with the continuation of war and the weakening economy; additionally, Muzorewa failed to deliver on most of the promises he made during the election campaign. Many argued that the period after 1978 was the most malicious of the liberation struggle (Mtisi, Nyakudya & Barnes, 2009:164).

⁸ The Frontline States were all newly independent nations including Angola, Botswana, Mozambique, Tanzania and Zambia.

⁹ An African chief with loyalties to Smith, was roped in to give the new white survival package a semblance of support by the traditional authorities.

Finally in August 1979, the Commonwealth Heads of Government met in Lusaka, Zambia, where African states restated that it was Britain's responsibility to bring about a solution to the crisis in Rhodesia (Mtisi, Nyakudya & Barnes, 2009:164). This continued pressure which was placed on Britain culminated in the 1979 Lancaster House Conference, whereby all the relevant parties, including British Prime Minister Margret Thatcher, Lord Carrington,¹⁰ the Patriotic Front, led by Robert Mugabe and Joshua Nkomo, and Bishop Muzorewa's Salisbury delegation, including Smith and Sithole, met in London for a series of discussions and negotiations (Norman, 2008:64; Mtisi, Nyakudya & Barnes, 2009:165). The conference was primarily the result of numerous actors who had grown weary of the continued violence (Mtisi, Nyakudya & Barnes, 2009:165). These negotiations were what would finally lead the country to a transition to majority rule after decades of conflict and political rivalry.

3.2.3 Transition to majority rule

British proposals for Zimbabwe's independence constitution at the Lancaster House agreements were advanced and the major highlights were as follows: the minority white population was granted the right to retain 20 of the 100 seats in Parliament for a minimum of seven years (Chung, 2006:246; Brides, 1980:182). The new state was to inherit a debt of US\$ 200 million, and be prepared to pay pensions to all Rhodesian civil servants, even those who had emigrated (Mtisi, Nyakudya & Barnes, 2009: 165). The armies of the liberation parties were to be integrated into the regular state army (Mtisi, Nyakudya & Barnes, 2009: 165). The aggressors also agreed to a ceasefire and to hold new elections within a period of three months in order to choose a new leader of the newly independent Zimbabwe (Sibanda, 2005:218). These requests were broadly supported by the Salisbury delegation, even though it meant that the current Prime Minister, Bishop Muzorewa, would need to step down and relinquish power during the transition to the new and legally independent regime which was to be established after the first elections; they were also broadly accepted by the Patriotic Front (Brides, 1980:182-183). An agreement was reached in which a British Governor would take office in Salisbury, with a team of British public servants, in order to successfully administer the country, supervise the ceasefire, and prepare for and preside over the new elections (Brides, 1980:183). The sanctions that had so badly crippled the country were to be lifted upon his arrival and the elections were to be monitored by representatives from various Commonwealth countries. In the agreement, the British were to hand over authority as soon as a new government was elected. The newly elected government was to be the first government of the new and legally independent state of Zimbabwe (Brides, 1980:183).

¹⁰ Newly appointed British foreign minister and chair of the Lancaster House Conference in 1979.

Nevertheless, not all the points of negotiation went down smoothly with all the parties, and the main point of disagreement was on the issue of land. The Patriotic Front – made up of both Nkomo’s and Mugabe’s delegations – wanted the majority government to be granted permission to expropriate unused commercial land belonging to whites in order to resettle the numerous land-deprived Africans (Mtisi, Nyakudya & Barnes, 2009:165). However, the Lancaster House Constitution¹¹ stated that land could by no means be confiscated and had to be bought on a *willing-seller-willing-buyer* basis (Moyo, 1987:172). Such an arrangement was, however, far beyond the financial ability of the newly independent state (Moyo, 1987:172). The land issue was temporarily shelved, although never truly resolved, with promises from British and United States officials that they would buy and develop the white-owned lands; however they failed to disclose the amounts they were willing to put forward (Mtisi, Nyakudya & Barnes, 2009:165). Under mounting pressure from other African leaders, the Patriotic Front was forced to agree to this incomplete arrangement (Mtisi, Nyakudya & Barnes, 2009:165-166), which was described by Joshua Nkomo as “a result of muddle and compromise, reached in haste in order to stop the bloodshed” (Nkomo, 2001:204). These hastily settled issues, along with other notable hastened negotiations, were to provide a wealth of material for contest in the newly independent era (Mtisi, Nyakudya & Barnes, 2009:166).

Following the conference in London, the country now had a new constitution as well as an arranged ceasefire, paving the way for the country’s very first democratic elections, which would result in the election of the first leader of independent Zimbabwe (Mtisi, Nyakudya & Barnes, 2009:166). The alliance between the two Patriotic Front parties fell apart, which saw ZAPU and ZANU run for office as two separate parties – PF-ZAPU and ZANU-PF (Mtisi, Nyakudya & Barnes, 2009: 166). Mugabe’s ZANU(PF) went on to win the elections with a majority of 57 seats, compared to Nkomo’s PF-ZAPU’s 20 seats and Muzorewa’s UANC’s three seats. Thus on 18 April 1980, Robert Mugabe was sworn in as the first Prime Minister of independent Zimbabwe (Mtisi, Nyakudya & Barnes, 2009:166).

3.3 From miracle to disaster

In 1980 the post-independence government of ZANU-PF was faced with the major challenge of nation building in a society deeply divided along lines of ethnicity, class, race, geography and gender (Muzondidya, 2009:167). Other major challenges included the restructuring of the inherited colonial political economy and post-war reconstruction, as well as the democratising of the inherited authoritarian state and its institutions (Muzondidya, 2009:167). For the first several years

¹¹ The first Constitution of independent Zimbabwe – settled at the Lancaster House Conference in 1979.

there was a sense of optimism in Zimbabwe. Mugabe seemed set on racial reconciliation and moving forward as a nation. An early agrarian boom reassured white farmers and the government focused heavily on social improvements (Herbst, 2007: 74).

On the economic and social front Mugabe's government embarked on a programme of post-war reconstruction with the objective of recapitalizing and reintegrating Zimbabwe's economy into the world economy. To redress some of the inequalities brought about by the old colonial order, it attempted to broaden the economy and make it more inclusive by integrating blacks through the active development of a black middle class, black economic empowerment, and the Africanisation of the public service (Kaplan, 1991; Raftopoulos, 1996). The government tried to settle both racial inequality and rural poverty in land ownership between blacks and whites (Muzondidya, 2009:168). Furthermore, the government- with the help of local communities as well as foreign donors – expanded the provision of health and education facilities, with great focus on improving the infrastructure of these previously neglected spheres (Muzondidya, 2009:168). There was great emphasis placed on the improvement of water sanitation as well as improvements in workers' wages across the country (Muzondidya, 2009:168). Generally, the government's attempts to address the inherited problems partially succeeded and the country achieved some notable social and economic gains. For example, the rapid economic growth in the first couple of years of independence helped the government introduce qualitative changes in education and health delivery, infrastructural development, and job creation (Burdette & Davies, 1987:79). However, the gains made in the first decade of independence were unsustainable, limited and momentarily welfarist in nature; consequently Zimbabwe continued to experience serious social and economic problems as well as redistributive challenges, most notably in the land and economic spheres (Muzondidya, 2009:169; Moyo, 2000).

On the political front, the new ZANU-PF government committed itself to the establishment of an order based on democratic values, including social justice and equality. In doing so Mugabe's regime moved to dismantle colonial institutions and laws aimed at promoting oppression, racial disharmony and ethnic polarization by erasing the legal status of racial distinctions as well as their institutional foundations (Kaplan, 1991). Furthermore the government tried to decentralize certain powers, resources and responsibilities to local authorities in order to transform and democratize the structure of government in rural and urban areas (Weitzer, 1990:134). One of ZANU-PF's main objectives was to build a more cohesive nation-state, and in doing so the government adopted a reconciliation policy, prioritizing reconciliation between the black and white citizens of Zimbabwe (Muzondidya, 2009:175). In pursuit of this reconciliatory objective, the new government included

not only members from PF-ZAPU but also members from the defeated Rhodesian Front. In addition the new army of Zimbabwe became an integrated unit, including combatants from the former Rhodesian units, ZIPRA and ZANLA (Muzondidya, 2009:175). To the surprise of many, the introduction of these measures in the 1980s did not yield the required results.

According to Herbst (2007:76-77) there were two incidents that served as key markers in Zimbabwe's deterioration. The first was the protests in 1996 and 1997 by the alleged veterans (many too young to have possibly fought in the struggle) of the liberation war who were disappointed with how little they had received since independence. Apart from damaged property, the real harm caused by the protests was that some were directly questioning the gains, and thus the legitimacy, from the war that had been central to Mugabe's justification for staying in power (Herbst, 2007:76). In response to these protests, in 1977 the government paid out massive amounts to veterans resulting in the depletion of the national budget and derailing any hopes of economic reform. This use of patronage would set the pattern by which the government would deal with numerous other challenges (Herbst, 2007:76). The second signal moment was the government's defeat in the constitutional referendum in 2000, which called for increased Presidential powers and for the acquisition of land without compensation (de Jager & Musuva, 2013:5). The reform was aimed at cementing ZANU-PF's rule. This defeat was a great challenge to the ruling party, especially because it seemed to signal the loss of political power to a new rival movement, the Movement for Democratic Change (MDC). There were great hopes that Zimbabwe was to join the ranks of numerous other African countries that had attained multi-party status; however that was unfortunately not the case (Herbst, 2007:77), as Mugabe turned to the use of force and illegitimate means in order to retain power.

Numerous scholars involved in the study of post-liberation independence, more particularly that of Zimbabwe, have highlighted the continuity of authoritarian governance from the repressive regime of the Rhodesian Front to that of ZANU-PF (Muzondidya, 2009:175). After Independence the nature of ZANU-PF has been one of increasing repression and tyranny, whether dealing with opposition, civil society, or striking students and workers (Ncube, 1991:161). According to Ncube (1991) behind the façade of Zimbabwe's constitutional democracy was an authoritarian political system symbolized by the prohibition of democratic space, and the violation of human rights as well as the rule of law.

3.3.1 Zimbabwe's regression to authoritarianism

Over the past three decades, Robert Mugabe's ZANU-PF has made the shift from being a popular liberation movement fighting the white minority regime led by Ian Smith, to being Zimbabwe's increasingly authoritarian ruling party, demonstrating a disregard for democratic procedures and institutions (Britz & Tshuma, 2013:184). de Jager and Musuva (2013:4) point out that Zimbabwe's regression towards authoritarianism is due to a crisis of governance; it is in essence a political crisis and not solely an economic crisis as many feel it to be. Since Zimbabwe's liberation from white minority rule in 1980, ZANU-PF has "consolidated power, systematically closed down alternative voices and effectively de-linked itself from the very society it was supposed to represent and serve" (de Jager & Musuva, 2013:5). ZANU-PF's dominance has not only led to the country's democratic decay, but has also led to the country's regression towards authoritarianism (Britz & Tshuma, 2013:188). The way in which ZANU-PF has established its dominance has proved to be particularly damaging to the democratic status of the country. The party's hegemony has not only been established by overwhelming electoral victories, but also through brutal repression of political rivals and so-called state dissidents (Britz & Tshuma, 2013:188). As a result, Zimbabwe has witnessed the destruction of democratic institutions and processes, and has slipped into "an abyss of economic chaos and political wilderness" (Britz & Tshuma, 2013:188). During the last decade and a half Zimbabwe has witnessed a falling GDP, an increasing unemployment rate reaching 80 per cent, severe poverty and an average life expectancy rate as low as 34 years of age (de Jager & Musuva, 2013:6). According to de Jager and Musuva (2013:9) Zimbabwe's economic and social crises have originated from a crisis of governance. Under Mugabe, Zimbabwe's economy was launched into free fall due to various poor policy decisions, such as the Fast Track Land Reform, which was characterised by a disregard for property rights, and Operation *Murambatsvina*,¹² characterised by a disregard for civil liberties and human rights. ZANU-PF's political actions have been the source of Zimbabwe's economic and political decline into authoritarianism (de Jager & Musuva, 2013:10).

Britz & Tshuma (2013:188) however, point out that ZANU-PF was never truly committed to the establishment and development of a democratic society based on liberal values. Instead, the adoption of a liberal democratic constitution (Lancaster Constitution of 1979) seemed to be the result of the compromise made by the political elite at the Lancaster House Conference in 1979 (Britz & Tshuma, 2013:188). Therefore Zimbabwe's path to democratic governance could be said to have been doomed from the outset of Independence and the adoption of the 1979 Lancaster

¹² Operation Murambatsvina is a term loosely translated as "Operation drive out the filth". It was initiated in 2005 and enforced bylaws to stop all forms of illegal activities such as vending and illegal cultivation, and to remove illegal trading, illegal settlements and clean the cities and towns of Zimbabwe (de Jager & Musuva, 2013:8-9).

Constitution.

3.4 Conclusion

Zimbabwe undoubtedly made some progress, although limited, in the social and economic spheres, some of which helped the country become more internationally competitive; however most of them were short-term and unsustainable (Muzondidya, 2009:199). Many programmes and attempts did not adequately address the serious challenges of land and economic-resource ownership, equity and justice, political inclusiveness and openness, the reconfiguration of the nation-state or issues of citizenship and nationhood (Muzondidya, 2009:199). As a result, the post-colonial project of laying a strong foundation for a just, non-racial and equitable society was not achieved and the foundation for a truly democratic order was not laid (Muzondidya, 2009:175). In the late 1990s, due to the lack of any democratic foundation based on strong institutions, Zimbabwe entered a period that has become known generally as the *crisis in Zimbabwe* (Raftopoulos, 2009: 201).

The following section of this thesis focuses on analysing primary research along with the literature of prominent authors in order to ascertain why Zimbabwe entered a period of crisis and whether it can be traced back to the failure of the Lancaster House Constitution with regard to laying the foundation for a functioning set of democratic political institutions.

Chapter 4: Analysis: Zimbabwe's institutional failures

4.1 Introduction

This chapter will form the analysis section of this thesis. It aims to combine the secondary data, captured in the previous two chapters, with primary data concerning Zimbabwe's negotiated transition to majority rule and independence. The primary data comprises several documents dating back to the period before, during and immediately after Zimbabwe's independence in 1980. They include, a series of original interviews from 1983 between Leo Baron (Nkomo's legal advisor at the time of the Lancaster House Conference) and I. J. Johnstone, recorded for the national archives of Zimbabwe; original documentation taken by the ZAPU delegation to the Lancaster House Conference; as well as the original report written regarding the outcomes and decisions made at the Lancaster House Conference and the 1979 Lancaster Constitution.

By assessing this information this chapter seeks to provide an actual account of the Lancaster House Conference, which took place in London in 1979. There are often misconceptions or rather vague accounts of how this conference came about, what the atmosphere surrounding the conference was, and what the final outcomes were and how these outcomes significantly affected the future of Zimbabwe. One of the main misconceptions concerns Zimbabwe's supposed "negotiated" transition to majority rule, where primary data may suggest otherwise. This is an important step towards analysing how Zimbabwe has become what it is today. The objective of the analysis is to answer the following questions as set out in the first chapter of the thesis: How was Zimbabwe's Lancaster Constitution negotiated? Did the Lancaster Constitution provide for a democratic institutional framework, or did it set it up for failure?

The chapter aims to answer these questions by providing an account of the Lancaster House Conference by those who had first-hand knowledge of it; what led to the agreements made there; the atmosphere during the agreements; and the outcomes and far-reaching effects of those agreements. Against the background of this primary data and by drawing on the theories of both Dahl (2005) and Kapstein & Converse (2008) – highlighted in the literature review – this chapter will analyse Zimbabwe's regression towards authoritarianism by determining whether the Lancaster House Constitution and the agreements reached constrained executive power in any way and moreover whether they made provision for the particular types of political institutions which are seen as necessary for a consolidated democracy.

4.2 The Lancaster House Conference of 1979

There are often misconceptions regarding the democratic nature of Zimbabwe as well as misconstructions of how Zimbabwe became an independent state. Some indicate that Zimbabwe began its regression to an authoritarian state after the defeat of the constitutional referendum in 2000 (de Jager, 2010), and that between 1980 and the late 1990s the country was often considered an example of political and economic success to the rest of Africa (Bond, 1998). However, this thesis will argue that Zimbabwe has never been in a state of democratic governance, and was not built on a foundation of democratic values and practices. Furthermore, this section seeks to answer the question of how Zimbabwe's Lancaster Constitution was negotiated. In doing so it aims to bring to light a first-hand account, from the viewpoint of Leo Baron, of Zimbabwe's transition to majority rule and Zimbabwe's eventual independence. It is aimed at providing a description of what led to these so-called negotiations between the British Government, the Rhodesian Government and the African Nationalists, and why these negotiations as well as their outcomes were significant.

4.2.1 The Road to the Lancaster House Conference

The period between 1972 and 1979, highlighted in the previous chapter as the liberation struggle, saw an intensified battle for the independence of Zimbabwe (then Southern Rhodesia/ Rhodesia). The British Government, the Muzorewa-Smith regime and the African Nationalists were facing immense pressure from one another as well as from the international community to bring about peace and the eventual independence of Zimbabwe.

It was during this period that the Smith regime came under enormous pressure due to increased guerrilla activity as well as international sanctions. Smith was forced to create a regime, which resembled one of majority rule, thus, awarding power to Able Muzorewa. This however did not alter the regime's reputation in the international arena, with many states not recognizing the regime as legitimate. In addition, increased guerrilla activity continued to threaten the minority rule in Southern Rhodesia. The crumbling political, social and economic conditions in Southern Rhodesia, once again forced Smith and Muzorewa to the negotiating table in the late 1970s.

On the other hand the liberation struggle, which was intensified during this period, meant that a large amount of guerrilla activity was taking place from international borders, namely those of Zambia and Mozambique. In addition to these countries supporting the liberation struggle other Front Line States were becoming increasingly involved in providing support. This meant that violence such as armed raids was often focused on these supporting nations. The continuation of the

armed struggle was thus not sustainable in the long run and was unlikely to bring about a peaceful transition to majority rule.

The pressure and growing instability within Southern Rhodesia along with the above-mentioned pressures placed on the regime of Southern Rhodesia and the Nationalist movements, as well as the fact that the British Government was under immense pressure from the international community, especially the Commonwealth, to facilitate a peaceful transition to majority rule in the country, forced several attempts to negotiate the future of the country. The most prominent of these occasions included: the Geneva Conference, which took place from October to December 1976, the Lusaka Commonwealth Conference, which took place in August 1979, and finally the Lancaster House Conference, which took place from 10 September to 21 December 1979 (Baron, 1983:115). Although the focus of this thesis is on the Lancaster House Conference, it is important to note the atmosphere in which this conference was brought about.

The Lusaka Commonwealth Conference, which took place a few weeks prior to the Lancaster House Conference, was seen as a final attempt by the British Government to bring about a solution to Southern Rhodesia's growing problems. According to Baron (1983:115) Margret Thatcher attended the Lusaka Commonwealth Conference with the objective of pushing through Britain's recognition of the Muzorewa regime. It was however only due to the "very, very stern opposition she got from the whole of the Commonwealth, including Australia, that diverted her from that course" (Baron, 1983:115). Apparently it was an incredibly close call, and it was only when she appreciated that she would get virtually no support from the Commonwealth for the recognition of Muzorewa that she submitted and backed down from that position. It was from this that the decision for further talks appeared to have been made, and thus another effort was to be made to resolve the growing problem (Baron, 1983:116).

Due to the pressure placed on Britain by the Commonwealth, the British Government proceeded to hold a series of talks, negotiations and agreements known as the Lancaster House Conference. They invited all the parties concerned, including the Muzorewa-Smith delegation (Salisbury delegation), and the Patriotic Front (PF) delegation – made up of both Mugabe's ZANU and Nkomo's ZAPU. Although the Patriotic Front was grouped together as one delegation, they continued to refer to themselves – at least privately – as two separate delegations throughout the duration of the agreements (Baron, 1983). The two delegations were hesitant to attend the Conference headed by the British Government and mediated by the British Foreign Minister, Lord Carrington.

Muzorewa was reluctant because he wanted British recognition of the internal settlement made between him and Smith in earlier years. When the Muzorewa-Smith delegation finally realised that this would not become a reality they obviously knew that they had little choice but to attend (Baron, 1983:116). Among the Patriotic Front, there was a similar sentiment of hesitance, due to the fact that it was seen as yet another conference which would have little to no chance of success (Baron, 1983:116). However, by then, both ZANU and ZAPU were becoming increasingly unpopular with their host countries¹³, Zambia and Mozambique. The raids into those countries were extremely embarrassing to the two governments, and President Kaunda of Zambia and President Machel of Mozambique, along with President Nyerere of Tanzania¹⁴, had made it very clear that if they did not settle this issue they could not expect to enjoy the unlimited and continued facilities of those host countries (Baron, 1983:116). It was against this backdrop that the three delegations met in London, in September 1979, for the Lancaster House Conference.

4.2.2 The Lancaster House Conference

“In many ways Carrington’s strongest card at the Lancaster House Conference was the belief by all of the delegates that they could win an election. If one or more of them had not believed this, it is doubtful that an agreement would have been reached at all” (Baron, 1983:112). According to Baron (1983:112), this was very much the sentiment throughout the Conference; both delegations were convinced they would win the independence elections (which were to become one of the crucial outcomes of the conference), and this is what fuelled the Conference. Muzorewa in particular was convinced that he would win, especially since the whole tactic in London was to “load the dice in his favour” (Baron, 1983:112).

Furthermore the Conference was very much a British affair, from the organising of the agenda to the establishment of a single negotiating text and the setting of deadlines; Carrington and his strictly organised team managed the Conference (Matthews, 1990:315). From the outset Carrington let it be known that the British proposals would throughout the Conference serve as the basis for negotiations, and that comments from both sides were welcome and in some cases minor revisions were entertained; however, Carrington was usually reluctant to change his mind (Matthews, 1990:316). According to Baron (1983:116), in terms of the fine print the Patriotic Front achieved hardly anything. Britain allegedly provided several proposals, which had previously been worked

¹³During the liberation struggle, the African Nationalists were forced into exile; they thus fought the war from outside the borders of the former Southern Rhodesia. ZAPU’s host country was Zambia while ZANU’s host country was Mozambique.

¹⁴ Tanzania, in addition to the support given by Zambia and Mozambique, was also one of the main supporters of the African Nationalists fighting the liberation struggle from abroad.

on with Smith and Muzorewa, thus the Patriotic Front achieved “virtually no alteration, certainly no significant amendment of these proposals” (Baron, 1983:116).

To make matters even more difficult there was great tension within the Patriotic Front; however, during the Conference there was no speculation that they would run as two separate parties. It was only when they returned to Zimbabwe that ZANU declared that they would campaign as a single party. ZAPU on the other hand felt that it was highly desirable for the unity of the country that the two parties should not go back and fight the elections as two separate parties (Baron, 1983: 113). Furthermore, during the negotiations, Mugabe and Nkomo often had different ideas and views, making their pleas and proposals very diverse and often ineffective (Baron, 1983:116). For example ZAPU had taken with them to the Conference a document entitled, *Proposals for a settlement in Southern Rhodesia*. This document made several points contesting numerous proposals previously put forward by Britain. An example of this was the British proposal that “the successful presidential candidate will be the one who has been endorsed by at least half of the successful candidates for election as Elected Members of the National Assembly” (ZAPU, 1979:8). The document argued that with three or more parties contesting an election, there might be no candidate able to command the support of half of the members of the National Assembly (ZAPU, 1979:8). Furthermore according to the document this proposal could result in repeated elections, which would be unsatisfactory. In their draft constitution they proposed, in their opinion, a far better machinery, which provides that the successful Presidential candidate shall be the candidate who receives the greatest number of votes in the parliamentary election, linking both the presidential and parliamentary elections (ZAPU, 1979:9). However, this document was never presented to the British as a single document, the reason being that the Patriotic Front had not agreed on the said document. According to Baron (1983:118-119), there was no agreement because it was a ZAPU document and ZANU had not prepared – or at least not made known – any document with regard to the contesting of the British proposals.

Lord Carrington’s strategy was to push for an agreement (Ndulo, 2010:180). During the conference the Patriotic Front was threatened numerous times with various ultimatums if they did not agree to the British proposals or papers timeously, they were continually warned that if there were too many objections and a lack of progress with regard to agreements the Conference would be called off and Britain would recognize the Muzorewa regime and call for the lifting of sanctions against Zimbabwe (Matthews, 1990:316; Ndulo, 2010:180). It can thus be argued that the Lancaster House Conference, normally regarded as the platform upon which Zimbabwe’s negotiated transition to majority rule took place, was in fact not a negotiation at all; instead it resembled more of a

handover of power with forced implications and unrealistic expectations. Moreover, there was a lack of legitimate public participation in the constitution-making process during the Lancaster House Conference (Ndulo, 2010:181), leaving the majority of Zimbabweans practically voiceless when it came to deciding their political futures. “In retrospect, the Lancaster House Constitution, like most Constitutions, was no more than a compromise between competing interests. The absence of wider participation robbed it of broader legitimacy amongst the generality of Zimbabwe” (Sachikonye, 2002:175).

4.2.3 The Outcome of these “Negotiations”

At the insistence of the British Government and under the guidance of Carrington, the Conference agenda included three areas which needed to be settled. Firstly there were the proposals for an independence Constitution, secondly there was the plan for a transitional period before the elections or the pre-independence arrangements, and lastly there were the ceasefire arrangements (Matthews, 1990:316).

4.2.3.1 Independence constitution

With regard to agreeing on a Constitution for what was to become the newly Independent State of Zimbabwe, Baron (1983:116) described it as an extremely frustrating experience. Britain put forward a succession of papers, to be discussed in bilateral agreement. The Patriotic Front had many objections to these papers. However they were denied any drafts pertaining to important proposals. They merely received papers setting out positions in principle in “more or less lay language” (Baron, 1983:116). They received no final drafts to consider, and were never given a draft Constitution to debate; they saw the Constitution as an entire document for the first time only once it was published as law, and in a number of important respects it differed very materially from the various position papers that had been agreed upon (Baron, 1983:116). Although there were numerous complaints about this from the Patriotic Front they struggled to alter any decisions; they were “up against a brick wall” (Baron, 1983:117), and Britain was “quite inflexible on this” (Baron, 1983:117). Furthermore, in a private ZAPU meeting, Nkomo had made it clear to his delegation that they had not come to London to refuse a settlement (Baron, 1983:117). This was one of the reasons the Patriotic Front took a realistic attitude during these agreements despite their many grievances with numerous British decisions (Baron, 1983:117).

The Patriotic Front, according to Baron, knew perfectly well that once there was an election, they would win and that the government would finally be in the hands of the nationalists. Furthermore,

“if the Constitution was not one that they would wish to function under... if it was more restrictive than they would wish, well, that was something they could live with for the interim period. It was not something to break the conference over” (Baron, 1983:117). It was however, according to Baron (1983:118), a very restrictive Constitution, not too restrictive to govern, but nonetheless very restrictive in the sense that it safeguarded many of Britain’s interests with regard to land and economic advantages, for example the 20 seats in parliament reserved for whites only. In this sense it was very restrictive, especially when compared to the Constitutions given to other former colonies of Britain, for example the Zambian Constitution of 1964 (Baron, 1983:120). Baron (1983:120) warned that a tight Constitution, one that was too rigid, would eventually collapse. He feared, that in their efforts to protect the interests the British were obviously bent on protecting they would produce a constitution which was totally inflexible (Baron, 1983:120).

4.2.3.2 Pre-independence arrangements

Another of the outcomes of the Conference was that there were provisional arrangements made for the transitional period before independence, before the Lancaster Constitution was to become the law, which governed the country. One of the main provisions made during these pre-independence arrangements was that the British Government would monitor the first independent elections to be held in the country. During the Conference it was agreed that there would be an Election Council, to be chaired by the Election Commissioner, who was to be British (Constitution of Zimbabwe, 1979:25). The Election Commissioner was to invite all the parties partaking in the election to be represented on the Council. The Election Commissioner and his staff were to ensure that allegations of unfair practices were thoroughly investigated and immediately remedied (Constitution of Zimbabwe, 1979:25). Furthermore members of the Commonwealth were invited to observe the elections and observe Britain’s safeguarding of free and fair elections.

According to Baron (1983:112-113) the arrangements for the elections, the timing and the period of the run-up to the elections was very short, although the Patriotic Front tried to argue for a longer run-up. For them it was seen as favourable to Muzorewa and the people who had been in the country throughout, as they had been absent from the country for several years (as exiles fighting from abroad), and they felt it was unfair to have an election run-up period of merely a few weeks. Furthermore, the supervision of the elections and the numerous conditions imposed were, in Baron’s opinion, very much in favour of Muzorewa, as the British were convinced he would win the election (Baron, 1983:113). Despite the favourable conditions afforded to Muzorewa, the

Patriotic Front was convinced that they would sweep the board in an election. Baron (1983:113-128) stated:

Particularly if it was impartially run (laughter), if it were a “free and fair election”, to use that dreadful expression. But anyway, the Patriotic Front knew full well that they would win an election but naturally wished to have maximum time for campaigning and impartial conditions in terms of supervision, in terms of electoral procedures and all this kind of thing. The British supervision and the Election Council and all this kind of thing... this was window dressing... it was steam-rollered through; the whole thing was steam-rollered through.

This was the basis for Zimbabwe’s political future; this is what set the tone for the years to come, for the numerous elections fraught with violence, intimidation, vote rigging, and gerrymandering. The stage was set in 1980, and from there it spiralled.

4.2.3.3 Ceasefire agreements

The ceasefire agreement was once again a point of contestation between the parties involved; there were numerous debates concerning the technicalities of the ceasefire (Baron, 1983: 120). It was undoubtedly a British-controlled agreement, on which they made decisions in favour of Muzorewa’s regime. It was decided that the Muzorewa/Smith army would have more or less free reign over the country, that the regime’s police force would remain the legitimate police force during the transition period, during the ceasefire. These became the forces responsible for running the country during this period, and who were, for practical reasons, supervising the election, the election that Britain had originally promised to supervise (Baron, 1983:121).

4.3 The Crisis of Legitimacy surrounding the 1980 Lancaster House Constitution

“The constitution of a nation is not simply a statute which mechanically defines the structures of government and the relations between the government and the governed, it is a ‘mirror of the national soul’, the identification of the ideals and aspirations of a nation, the articulation of the values binding its people and disciplining its government” (Mohammed, 2001 in Hatchard, 2001:210). As seen in the previous section, the grounds on which Zimbabwe’s Lancaster Constitution were “negotiated” and were not a “mirror of the national soul” and they did not lead to a constitution which was upheld and supported; instead they led to a constitution surrounded by a crisis of legitimacy. In light of these findings, this section is aimed at answering the following question: Did Zimbabwe’s institutional framework set it up for failure? In an attempt to sufficiently

answer this question this section draws from the theories and frameworks of prominent scholars, namely, Kapstein and Converse as well as Dahl, as set out in Chapter Two. By answering this question this section ultimately aims to account for Zimbabwe's regression towards authoritarianism.

4.3.1 The Lancaster House Constitution

As previously observed Zimbabwe's independence Constitution was no more than a compromise between competing interests, and the lack of broader popular participation during its crafting at Lancaster House in 1979 deprived it of broader legitimacy among the majority of the Zimbabwean citizenry (Sachikonye, 2002:175). Although the Constitution served as an important tool for the transfer of power from the minority to the majority, it did not necessarily form the foundation for good governance (Sachikonye, 2002:175). Zimbabwe's Lancaster Constitution of 1980, in its original form, resembled most independence constitutions that were the outcome of an agreement or settlement between colonial powers and representatives of the colonized people (Sachikonye, 2002:175). Although the Constitution was not created on the foundation of fair negotiations, it was premised upon recognition of liberal notions of constitutionalism (Sachikonye, 2002:175), including concepts such as bureaucratic neutrality, governmental accountability and the independence of the judiciary (Britz & Tshuma, 2013:176; Sachikonye, 2002:175). Furthermore, it naturally established the Westminster style system, which promises the supremacy of parliament over the executive (Laakso, 2003:123).

The Constitution provided for a ceremonial president, and shortly after the transition to majority rule this post was taken up by Rev Canaan Banana, (Ndulo, 2010:180; Martin, 2006:147) who was later removed from this position by Mugabe. Secondly, it provided for a Prime Minister, in whom the executive power was to reside along with the assistance of an Executive Council, which was directly chosen by the president on the advice of the Prime Minister (Constitution of Zimbabwe, 1979). Furthermore, it provided for a bicameral legislature consisting of the President and the Parliament, which was set to comprise elected members of Parliament (House of Assembly) as well as an indirectly elected Senate (Constitution of Zimbabwe, 1979; Ndulo, 2010:180). The House of Assembly was to have 100 members, which were to be elected on two-race based rolls (Ndulo, 2010:180; Constitution of Zimbabwe, 1979). Of these 100 members, 80 were to be elected on a common voters' roll while the remaining 20 were to be elected on a white voters' roll (Constitution of Zimbabwe, 1979). The 1980 general elections saw ZANU-PF, led by Mugabe, win a total of 57 seats in the House of Assembly and accordingly he was appointed Prime Minister. Nkomo's PF-

ZAPU won 20 seats, and the Rhodesia Front won all the white voters' roll seats (Hatchard, 1991:80). The preservation of this white dominance was to become a main feature of criticism of the Constitution along with the British preservation of unequal distribution of land ownership between blacks and whites (Laakso, 2003:127). These two features were to be upheld as law for periods of seven and ten years respectively, in order to ensure that the transition to majority rule would not result in a substantial shift in social and property relations (Sachikonye, 2002:175).

In addition to this new Constitution, the new ZANU-PF government inherited a powerful and well-developed state apparatus, particularly its security apparatus (Britz & Tshuma, 2013:172), and while majority rule for the first time extended voting rights and participation in the electoral process to all Zimbabweans, democratic values of tolerance and respect for the rule of law were not strictly observed by the ruling government, which had serious implications for human rights and democratic rule (Sachikonye, 2002:175; Britz & Tshuma, 2013:172). Along with the retention and use of colonial legislation afforded to ZANU-PF, allowed by the new Constitution, the government also retained the state of emergency, which was formerly announced by the Smith regime prior to the UDI in 1965, which had far reaching implications for the future of Zimbabwe's democratic status (Britz & Tshuma, 2013:172; Ndulo, 2010:180).

4.3.2 Failures of the Lancaster House Constitution

Although a constitution is in principal a legal document, it is simultaneously a political contract, particularly when its main objective is to enact far-reaching change in the political structure of society (Ndulo, 2010:181). The Lancaster House Constitution however failed to create the potential for the necessary institutional change needed in Zimbabwe's post-independent society (Ndulo, 2010:181). According to Ndulo (2010:182) the Lancaster House Constitution failed in numerous ways to serve as a framework for political actors to negotiate the transformation from a colonial state to one characterized by democratic values and institutions. Furthermore, as will be argued below, the Constitution failed to make provision or create frameworks for the democratic institutions as well as effective constraints of executive power, which play the ultimate role in assuring that the government is accountable to the electorate.

Although the Lancaster Constitution was based on a set of liberal democratic notions and a set of political institutions, namely a justiciable Declaration of Rights/Bill of rights, the provision of free, fair and frequent elections, a bi-cameral legislature, and an independent judiciary (Hatchard, 1991:79), which should have fostered checks and balances as well as accountability, it

fundamentally failed to make provision for these political institutions, which would see them become effectively institutionalized in the independent and democratic state. Political institutions which are to be upheld and effectively exercised in a state need certain provisions, in the form of independent institutions, which are focused on supporting democratically run political institutions (Amaral, 2012:4). In order for these types of institutional provisions to be effective they need to be independent of the Executive and completely impartial, which is unfortunately not the case in Zimbabwe (Amaral, 2012:4).

Independent Human Rights Commission

Chapter three of the Lancaster Constitution provides a justiciable Declaration of Rights, under which it protects the following rights; the right to life (Section 12), the right to personal liberty (Section 13), freedom from slavery and forced labour (Section 14), freedom from torture and inhuman treatment (Section 15), freedom from deprivation of property (Section 16), protection for privacy of home and other property (Section 17), the right to protection of the law (Section 18), freedom of conscience (Section 19), freedom of expression (Section 20), freedom of assembly and association (Section 21), freedom of movement (Section 22), and protection from discrimination (Section 23) (Constitution of Zimbabwe, 1979). Section 24 of the Declaration of Rights deals with the enforcement of these rights. It outlines that if any person alleges that the Declaration of Rights has been, is being, or is likely to be infringed will, without prejudice to any other remedy which he may have, have the right to apply to the Supreme Court for redress and the court will have jurisdiction to hear and determine that application (Constitution of Zimbabwe, 1979).

Although the Constitution outlined the Declaration of Rights to be upheld in the newly independent state, it failed to provide the state with one of the most important political institutions; an Independent Human Rights Commission (Britz & Tshuma, 2013:177). As impressive as a Declaration of Rights might be, it is virtually dysfunctional without autonomous, impartial and effective enforcement mechanisms, such as an independent human rights commission (Amaral, 2012:4). Furthermore the Constitution failed to provide Locus Standi¹⁵ to aggrieved persons so as to have easy access to the courts in order to enforce their rights as highlighted in chapter three of the Constitution (Kersting, 2009:120). Due to the lack of an autonomous commission, tasked with the responsibility of upholding the Declaration of Rights, as well as the difficulties of accessing the courts, the rights enshrined in the Lancaster Constitution were compromised and easily taken away as they were not entrenched as would be expected; in other words they were not sacrosanct. A

¹⁵ Locus Standi means the right to bring an action, to be heard in court, or to address the Court on a matter before it.

Declaration of Rights that is not frequently invoked and used in a young democracy, as was the case in the newly independent Zimbabwe, is no more than a “paper tiger” (Liebenberg, 2009:22).

Independent Electoral Commission

Another key political institution, which the Lancaster Constitution failed to make provision for, was an independent electoral commission (Britz & Tshuma, 2013:177). At the heart of any vibrant democracy lie free, fair and frequent elections, which are in turn only made possible if they are supervised and executed by a body which is impartial and autonomous. Unfortunately, from the handover of the state by the British to the newly elected government, Zimbabwe has been riddled with violent and turbulent elections. An independent electoral commission is the bedrock of the electoral process, as its obligation is to conduct free and fair elections; furthermore it has the capacity to settle disputes and ensure the smooth running of elections (Kersting, 2009:15). Therefore Zimbabwe’s failure to conduct free and fair elections can be directly attributed to the failure of the Constitution to make provision for an independent electoral commission.

Independent Judiciary

Under the Lancaster Constitution the process of appointing the senior judiciary was not formally the exclusive preserve of the executive or legislature. Chapter six of the Lancaster Constitution states that the Chief Justice will be appointed by the President, acting on the advice of the Prime Minister. Before tendering his advice the Prime Minister will consider any recommendations from the Judicial Services Commission (Constitution of Zimbabwe, 1979). Furthermore, it states that the other judges of the High Court will be appointed by the President, acting on the advice of the Judicial Services Commission (Constitution of Zimbabwe, 1979). Sections 90 and 91 of Chapter six make provision for this Judicial Services Commission, the functions of which are “to tender such advice and do such things in relation to the judiciary as are provided for by this Constitution” (Constitution of Zimbabwe, 1979).

This is how it is highlighted in the original Constitution. However, the process was manipulated from the beginning, and the reality is that the executive has always had a massive influence over the appointment of judges of superior courts. The Lancaster House Constitution contained weak provisions with regards to the composition of the Judicial Services Commission. The Judicial Services Commission was thus predominantly comprised of presidential appointees, consequently it was perceived to lack independence (Chiduzza, 2014:378). This perception in turn cast doubt on the independence and impartiality of the appointment of judges. This was further compounded by the

fact that the President was entitled to proceed with the appointment of a member of the judiciary regardless of the advice received from the Judicial Services Commission (Chiduzza, 2014:378). This contradicts the concept of judicial independence as judges are not given free rein to make independent decisions. Furthermore, the appointment process for judges and senior positions in the judiciary is not as transparent as it may appear on paper, given that the Judicial Services Commission is filled with the executive's appointees, beneficiaries and sympathizers; hence they are easily swayed and manipulated. The current judiciary of Zimbabwe therefore lacks, by and large, the reputation of being independent (Amaral, 2012:3). This can be attributed to the fact that the Lancaster Constitution, despite outlining the appointment procedures for the judiciary, did not make provision for an impartial and autonomous Judicial Services Commission. It failed to highlight the separation of the executive and the judicial branches by creating a framework for a commission which would take the responsibility of ensuring that the judiciary would remain an independent entity and would thus not be influenced by other branches of government. In order for there to be an independent judiciary tasked with the responsibility of making decisions which are purely in the interest of the law, there needs to be an independent body, such as an independent Judicial Services Commission, whose responsibility it is to appoint only the best suited candidates to the necessary positions.

Ineffective Constraints on Executive power

In addition to the institutional shortcomings mentioned above, the Lancaster Constitution failed to provide effective and insurmountable constraints to the power of the executive. Firstly the failure of the Constitutions to provide for a set of independent commissions, such as an independent human rights commission, independent electoral commission and an independent judicial services commission, placed great power in the hands of the executive branch of government. Due to the lack of supervisory institutions and independent commissions the executive greatly influenced the majority of the political institutions outlined in the Constitution.

Furthermore the Constitution made provision for 20 white seats in the House of Assembly and it placed a restriction of seven years on this clause, meaning that the representation of whites in parliament could go unchanged for seven years. This meant that the white community was grossly overrepresented in Parliament, because at most they constituted no more than 3 per cent of the total electorate (Hatchard, 1991:80). Although designed to reassure the white minority that they still had a voice in the political affairs of the country, in practice they were of little use (Hatchard, 1991:81). The retention of the white seats was rightly opposed by the Zimbabwean government, and was seen

as a form of racism, which contradicted the country's policy of forging a non-racial society (Hatchard, 1991:81). By forcing harsh restrictions such as this, the Constitution paved the way for future amendments regarding the layout of parliament, and coupled with the weak constraints on the power of the executive with regard to political appointments, this restriction was a recipe for the strengthening of executive power.

Lastly, the Constitution failed to restrict the executive's use of emergency powers. After 1980, several pre-independence emergency regulations, which were introduced by the Smith regime in 1965 under the Unilateral Declaration of Independence, were retained (Hatchard, 1991:90). Many of these emergency powers vested even greater power in the executive and gave the executive far reaching powers, in many cases to the detriment of the Declaration of Rights and the rule of law. The Lancaster Constitution failed to provide effective mechanisms to prevent such powers from being exploited, such as limiting the period under which these regulations would be valid and by limiting the scope of such regulations to areas directly connected with the emergency (Hatchard, 1991:90).

The numerous institutional shortcomings and insufficient constraints on the executive power of the Constitution resulted in the government becoming characteristically more authoritarian and this was illustrated by: a highly centralized system of governance, limited forces able to oppose the power of the executive, preferential access to power and resources, limited participation in governance by the general citizenry, weak institutions of state and civil society, excessive regulations on civil society, and excessive state control of all aspects of human endeavour, coupled with a limited capacity to govern (Ndulo, 2010:182). Numerous institutional limitations were central to Zimbabwe's Constitution, and this laid the foundation for numerous political developments, which would see the country regress even further towards an authoritarian state.

4.3.3 Political Developments Since Independence and the Accumulation of Executive Power

As highlighted in the literature review, data collected over the years points towards the growing importance of political institutions, more importantly political institutions which place a great deal of constraint on the executive branch of government. With the constitution being the most important political institution, as it provides the framework and makes provision for other political institutions, it is vitally important that it provides sufficient constraints on the power of the executive. Finer (1997:1502) defines constitutions as, "codes of rules which aspire to regulate the allocation of functions, powers and duties amongst the various agencies and officers of the

government and to define the relationships between these and the public". Kapstein and Converse (2008:57-58) point out that, if the executive branch of government – regardless of whether it is a presidential or a parliamentary system – faces only weak constraints, then there is a growing temptation to snatch as much political and economic power as possible, for personal gain. In turn this creates the problem many nations today are faced with: the concentration of power in the hands of the few. In instances where this sort of power investment has taken place, authoritarian leaders almost immediately try to roll back existing constitutional constraints. Kapstein and Converse (2008:64) stress the importance of assessing the balance and separation of powers within new democracies, and argue that the executive branch needs to be accountable above all else. In the case of Zimbabwe it is clear that the political developments since the adoption of the Lancaster Constitution have mainly taken place due to the increased desire of the executive to gain increased amounts of power; moreover this increase in power is a by-product of the weak constitutional constraints placed on the executive in the original Lancaster Constitution.

The Lancaster Constitution not only neglected to create the democratic political institutions that are necessary in a wide scale democracy, it also failed to create sufficient constraints on the executive power which make the government more accountable to the electorate. Due to these weak constraints Zimbabwe's first democratically elected government was not one that was devoted to a strict observation of the democratic values of tolerance and the rule of law (Sachikonye, 2002:174; Britz & Tshuma, 2013:177). For the first seven to ten years there was a moratorium on certain important clauses in the Constitution, such as those guaranteeing fundamental rights and freedoms (Britz & Tshuma, 2013:177). The aim however of ZANU-PF was to consolidate its hegemony and power over the entirety of Zimbabwean society. They thus set out to expand the party's hold on power through an extensive array of amendments to the Constitution, amendments that were not only harmful to the fundamental political institutions which needed nurturing and strengthening in those early years, but detrimental to democracy as a whole.

By the mid 1980s, after the first set of elections ushered in Zimbabwe's first internationally recognized black government, ZANU-PF had started making crucial amendments to the Constitution (Sachikonye, 2002:174; Britz & Tshuma, 2013:177). During the country's first elections the Proportional Representation (PR) system was used; however this was the first and last time the PR system was used. The subsequent elections were all held on a First-Past-The-Post (FPTP) system, following an amendment to the Electoral Act. This amendment saw ZANU-PF increase the number of its seats in the following elections, and saw the competition's slowly weakening. The introduction of the FPTP system thus provided a clear advantage to ZANU-PF.

Furthermore in 1987, a series of decisive amendments were pushed through Parliament, of which one was the Constitution of Zimbabwe Amendment Act (no7) (Kagoro, 2004:240). This Act led to the elimination of the position of Prime Minister as well as the position of a ceremonial presidency and lead to the creation of a very powerful executive presidency (Britz & Tshuma, 2013:177; Sachikonye, 2002:174).

The amendment, which brought about the office of an all-encompassing Executive President, afforded Mugabe “sweeping powers” (Blair, 2002:36). These powers allowed the president, to offer pardons to perpetrators of human rights violations as well as the luxury of having an unlimited term in office – which has made Mugabe’s retention of power over the last three and a half decades possible (Britz & Tshuma, 2013:177). Furthermore, in 1989 Mugabe amended the Constitution in order to shield the office of the president from any questioning by and accountability to the parliament (Ndulo, 2010:184). The provisions of this amendment in essence placed Mugabe above the judiciary and parliament, while granting him rule-making power equal to that of the rest of the legislature (Booyesen, 2003; Britz & Tshuma, 2013:177; Ndulo, 2010:184). In doing so the judiciary was denied the right to question the substance of or the process by which presidential decisions were reached (Ndulo, 2010:184). Through this substantial transformation in power, the branches of the judiciary and legislature were considerably marginalised (Britz & Tshuma, 2013: 177; Kagoro, 2004:241). Britz & Tshuma (2013:171) have argued “that the Constitution had become a tool in the hands of the ruling party and that ZANU-PF had manipulated the constitutional process in order to perpetuate its stay in power”.

Along with the extensive array of constitutional amendments made in the first decade after independence, Mugabe further cemented his extensive powers by relying on the widespread use of force to quell any opposition; at the time this opposition was mainly ZANU-PF’s former Patriotic Front partners, PF-ZAPU. The overall context in which political opposition existed between the two parties was one mired in conflict in the form of civil war in the Matabeleland and Midlands provinces, locally known as *Gukurahundi*¹⁶, between 1982 and 1987 (Sachikonye, 2002:174). During this brutal conflict emergency powers (inherited from the previous regime) were widely used to suppress violence, including both preventative detention laws and restrictions on movement (Ndulo, 2010:180). Mugabe had a great advantage in this civil conflict as he sent in a special unit, known as the 5th brigade¹⁷, to the area. This unit was responsible for perpetrating widespread human

¹⁶ *Gukurahundi* is a Shona term meaning, “the early rain which washes away the chaff before the spring rains” (CCJPZ & LRF, 1999). This was a codename for the violent suppression of Zimbabweans, mostly Nkomo supporters, carried out by the fifth brigade in the Ndebele regions of the country.

¹⁷ Mugabe’s fifth brigade was a special forces unit that underwent extensive military training and arming by North

rights violations, in which thousands were injured, killed and displaced (Ndulo, 2010:180; Sachikonye, 2002:176). The repressive tendencies of the ZANU-PF government were given full rein during this period (Sachikonye, 2002:176). The war in Matabeleland however came to an end when a negotiated compromise was reached in 1987 to ensure a cessation of hostilities, as well as pave the way for a Unity Accord to cement a merger between ZANU-PF and PF-ZAPU. This merger resulted in ZANU-PF having an overwhelming parliamentary majority, and through this Unity Accord as well as of the electoral system and monopoly access to state resources for the purpose of campaigning, ZANU-PF successfully ensured a *de facto* one-party state (Sachikonye, 2002:176; Ndulo, 2010:180; Britz & Tshuma, 2013:178; Bratton & Masunungure, 2008:50; Alexander, 1994:330).

The Zimbabwean case discussed above highlights the theory put forward by Kapstein and Converse (2008) concerning the danger democracy faces when there are inefficient constraints placed on executive power. The initial constitution had few and insufficient constraints, and within this context of broad ‘room-to-move’ Mugabe quickly set out to dismantle even those limited vestiges of constraint. The Zimbabwean experience highlights the problem of positioning the amendment procedure of the constitution solely in the legislature, even with special majorities, as opposed to providing checks and balances such as requiring the approval for constitutional amendments in a referendum or by a high percentage of provincial legislatures where they exist (Ndulo, 2010:185). As Ndulo (2010:185) notes, ZANU-PF has dominated for the first two decades, a two-thirds parliamentary majority, which has proven of no practical value to check retrogressive constitutional amendments. The Lancaster Constitution, in its original form, as “negotiated” between the three parties at the Lancaster House Conference in 1979, failed in numerous ways to make sufficient provision for democratic political institutions. Furthermore its failure to effectively place constraints on the accumulation of executive power resulted in the further rollback of its existing political institutions.

4.3.4 Zimbabwe’s Political Institutional Shortcomings

The constitution is the most important of the political institutions as it serves to provide further frameworks and make provision for other political institutions. If the constitution is not democratically institutionalized then it leads to the failure or weakness of other political institutions necessary for a country to effectively be regarded as a democracy. Dahl (2005) argues that there are

Korean militants sent to Zimbabwe after Mugabe signed an agreement with the North Korean President, Kim Il Sung, that they would train a brigade for the Zimbabwean army (CCJPZ & LRF, 1999).

certain criteria for political institutions which are necessary in order for there to be wide spread democracy present in a state. By using his criteria this section seeks to analyse where Zimbabwe falls short in terms of political institutions. By drawing on the previous section it is clear that the Constitution of Zimbabwe did not provide effective constraints on the power of the executive, thus allowing him, in this case Mugabe, to accumulate vast amounts of power; in doing so he further jeopardized the country's prospects for creating effective democratic political institutions. The Lancaster Constitution, as mentioned above, was drawn up with the objective of creating accountability and checks and balances, even though it was drawn up on the foundation of liberal notions of constitutionalism. Due to this several provisions in the constitution highlighted the importance of certain democratic political institutions. However, given the fact that the constitution-making process was lackadaisical in many regards, which lead to the weak provisions or frameworks of these institutions, the weak constraints on executive power, and the ineffective provisions for checks and balances, the constitution did not serve as an effective political institution which would further the country's various other political institutions. This section seeks to prove this by highlighting the shortcomings of Zimbabwe's political institutional framework based on Dahl's institutional prerequisites for a wide scale democracy.

The numerous amendments made to the Constitution, discussed in the previous subsection, have been the main vehicle through which ZANU-PF has retained its power. In addition to the "sweeping amendments", which were made to further the ruling party's powers, many amendments and harsh legislations were created to severely restrict the actions of opposition parties and civil society actors such as non-governmental actors, labour groups and the media. It can however be argued that the main approach used by ZANU-PF to retain power and dominance has been the manipulation of state institutions, particularly the fusion of party and state structures (Britz & Tshuma, 2013:185).

Dahl (2005) highlights a set of political institutions necessary for a large-scale democracy to take shape, meaning the political institutions necessary for a democratic country (Dahl, 2005:187). These institutional requirements consist of elected officials; free, fair, and frequent elections; freedom of expression; alternative sources of information; associational autonomy; and inclusive citizenship (Dahl, 2005:188), as mentioned in the literature review. In light of this framework, it is important to assess the extent to which Zimbabwe's Lancaster Constitution made provision for these political institutions and furthermore how they were further affected due to the failure of the Constitution to provide effective constraints on the power of the executive.

Elected Officials

Firstly, large-scale democracies require *elected officials*, as it encourages effective citizen participation and control of the agenda. When this political institution is effectively present in a country, then control over government decisions about policy is constitutionally vested in officials elected by citizens (Dahl, 2005:188-193).

The Lancaster House Constitution originally made requirements for elected officials, such as members of the Legislature. However, the Constitution largely failed to make provision for important political institutions, which would uphold such requirements. Some amendments to the Constitution included awarding powers to the president to appoint members of the Judicial Services Commission, the Electoral Supervisory Commission and the Attorney General. Furthermore, once the provisional time period, set up by the British as a way to maintain control over property and land, had lapsed, ZANU-PF abolished the bi-cameral legislature and introduced a single house of parliament. In light of the ceasefire notion carried in the previous legislation where some parliamentary seats were exclusively reserved for the white minority, the state failed to open all parliamentary seats to the vote and instead used them to continue to allow Mugabe to exercise extreme powers over the legislature by appointing a large portion of this former “independent” institution, essentially to promote political party interests. This hindered the right of the people to democratically elect their representatives in the legislature (ZLHR). A further amendment to the Constitution was made which abolished the Senate and created a 150-seat Parliament, of which 30 seats were directly appointed by the President (Sachikonye, 2002:177). Through the ruling party’s numerous constitutional manipulations and creation of draconian legislation they created a highly politicized party state, which enforced authoritarian rule in Zimbabwe (Bratton & Masunungure, 2008:44-45). The major prize that ZANU-PF won at independence was the apparatus of the state, and since then the party has sought the vanguard role in society, as well as the supremacy over the state – historically associated with communist systems (Bratton & Masunungure, 2008:44-45). Due to this highly politicized party state, the ruling party and public administration are fused and organizational configurations are conflated at all levels – ZANU-PF is married to the state (Bratton & Masunungure, 2008:45).

Free, Fair and Frequent Elections

Through such an institution, elected officials are selected in frequent and fairly conducted elections in which coercion is reasonably uncommon (Dahl, 2005:188-189).

Zimbabwe can be classified as an electoral democracy due to the fact that it has held, for the past three and a half decades since independence, frequent elections. It is questionable however whether these elections have been free and fair. Zimbabwean elections since 1980 have never truly been classified as free or fair – they have instead always entailed forms of intimidation, fraud and violence (Britz & Tshuma, 2013:183). Since the first independence elections of 1980, ZANU-PF has employed all methods of election management, from the combined use of violence and intimidation, the gerrymandering of urban seats to rural ones, the control of food aid and providing voters with false information, to the far-reaching amendments to the Electoral Act (Moore, 2006:134). The reason for this continued electoral calamity is that the Lancaster Constitution failed to make provision for an Independent Electoral Committee, perhaps the most important of all political institutions (Britz & Tshuma, 2013:177).

Zimbabwe's Election Management Body (EMB), which is made up of four branches, is known to be defective and prone to patronage (Sachikonye, 2002:181). The first of these arms of the EMB is the Delimitation Commission. A major limitation of the Delimitation Commission is that there is a lack of involvement by interested stakeholders in the delimitation of constituencies, thus resulting in an absence of constitutional provision for public participation in the delimitation process. The public is denied any privileges of raising objections to the report produced by the commission (Sachikonye, 2002:182). The second arm is the Electoral Supervisory Commission (ESC); this body has little power although it is tasked with the responsibility of supervising the electoral process. Like the Delimitation Commission, the ESC is directly appointed by the President, Mugabe (Sachikonye, 2002:182). The third branch is the Election Directorate, which consists of civil servants who operate under the chair of the Public Service Commission (PSC). The independence of this branch has been questioned on numerous occasions (Sachikonye, 2002:184). The final branch of the EMB is the Registrar-General of Elections. This branch is known to be the key player in the electoral system. This branch is furthermore responsible for the entire electoral process, including the registration of voters, the provision of electoral staff, the declaration of results, and the custody of election materials (Sachikonye, 2002:184). The impartiality and efficiency of the Registrar-General's office has however been questioned by numerous associations (Sachikonye, 2002:184). Against this backdrop it is safe to say that Zimbabwe does exercise frequent elections; however since the dawn of democracy these elections have not been representative of free and fair elections largely due to the lack of an independent, impartial electoral commission – the umpire of the electoral process.

Freedom of Expression, Availability of Alternative and Independent Sources of Information, Associational Autonomy & Inclusive Citizenship

Freedom of Expression requires that citizens have the right to freely express their political values and beliefs without danger of severe punishment, including criticism of the government, of officials, the socio-economic order, the regime, and the dominant ideology (Dahl, 2005:189).

The political institution that calls for the *availability of alternative and independent sources of information* has the responsibility of protecting citizens' rights to seek out alternative and independent sources of information from experts, newspapers, books, magazines, telecommunications, internet sources as well as other citizens. Furthermore, alternative sources of information should actually exist which are not state controlled or under the control of any other political group attempting to influence citizens' political values and attitudes, and should be protected by the law (Dahl, 2005:189).

The *independence of associations* is the fifth important political institution required in a large-scale democracy, and it too allows for effective participation, enlightened understanding and control of the agenda. In order for a state to reach democracy there is a need for political institutions such as interest groups, political parties and lobbying organisations (Dahl, 2005:197).

The final institutional prerequisite for democracy is that of *inclusive citizenship*. In short this means that no adult citizen residing in a country on a permanent basis and subject to its laws can be denied the rights that are available to others and are necessary to the five institutions listed above as well as rights to other liberties and opportunities that may prove necessary to the effective operation of the political institutions of large-scale democracy (Dahl, 2005:189).

These four institutions complement one another and overlap in numerous ways; furthermore they are grouped together in the Lancaster Constitution under Section C – the Declaration of Rights. For this reason therefore it is sensible to group them together in this analysis. The Lancaster Constitution outlined the importance of several human rights to be upheld in independent Zimbabwe, namely rights such as freedom of expression, freedom of assembly and association, freedom of conscience, freedom from deprivation of property, as well as the right to personal liberty (Constitution of Zimbabwe, 1979). Unfortunately the Constitution failed to make provision for an independent human rights commission, which would ultimately provide protection and safeguard these political institutions (Britz & Tshuma, 2013:177). Due to the lack of these provisions the

Constitution was amended and manipulated to a point where these four political institutions are basically non-existent.

In 2002, ZANU-PF aimed at consolidating its stronghold over every sphere of Zimbabwean society by introducing a set of legislation immediately prior to the 2002 elections (Sachikonye, 2002:189). This set of legislation included the Access to Information and Protection of Privacy Act (AIPPA), the Public Order and Security Act (POSA), the General Laws Amendment Act 2002, and the Citizenship of Zimbabwe Amendment Act (Sachikonye, 2002:189). Under AIPPA, foreign journalists were barred from working in the country, a new regime of licencing journalists was introduced and the freedom of expression by the media was threatened and curtailed (Sachikonye, 2002:190). In addition to this Act, the media has always been state controlled and has been used as a tool for the ruling party to extend its tentacles into every corner of society. The government for example has direct control over the print and broadcast media. The state-owned Zimbabwean Broadcasting Commission (ZBC) has complete control over domestic television and radio stations. Furthermore, the state-owned newspaper, the *Herald*, is seemingly pro-Mugabe and ZANU-PF in its reporting (Britz & Tshuma, 2013:180).

The Public Order and Security Act criminalised criticism of the president and placed strict requirements on any organiser of a meeting to provide four days notice of written authority to the police or regulating authority. This piece of legislation prohibits public meetings and demonstrations; furthermore it limits freedoms of speech, expression, movement and association (Sachikonye, 2002:189). In addition to such legislation, the ruling party has always treated opposition parties, Non-Governmental Organisations (NGO's), lobbying organisations and so forth who disagree with or question the ruling party as dissidents of the state. Often violence and intimidation are employed in such situations, not only curbing associational autonomy but also hindering and shutting down the freedom of expression. Furthermore, the General Laws Amendment Act made it difficult for NGOs to obtain registration to provide voter education. This Act made members of the Public Service the only persons qualified to be appointed election monitors, significantly impacting the electoral process. This meant that ordinary citizens recruited and trained by civic organisations were unable to be appointed as monitors but only as observers (Sachikonye, 2002:190).

Lastly, the Citizenship of Zimbabwe Amendment Act outlawed dual citizenship. This was largely seen as targeting whites who were seen as supporters of the opposition (Sachikonye, 2002:190). According to Sachikonye (2002:190) in combination, the above-mentioned legislation had the effect

of creating conditions for a dictatorship. Furthermore, after ZANU-PF's defeat in the 2000 referendum on constitutional reform, the ruling party initiated a policy of repression. Due to Zimbabwe's bleak economic outlook, characterised by food shortages, hyperinflation, high unemployment, a shrinking tax base and imploding welfare services, President Mugabe had few material resources to dispense as patronage with which to maintain his power base (du Toit & de Jager, 2013:202). Mugabe did, however, succeed in capturing a different resource, namely that of commercial agricultural land, through expropriating the properties of white farmers and foreign business owners (du Toit & de Jager, 2013:202). He was able to do this by introducing policies such as the Land Reform Policy and the Indigenisation Policy, which in addition to the above-mentioned acts and amendments undermine the institution of inclusive citizenship. These policies were allegedly aimed at empowering ordinary Zimbabwean citizens. However, they have dismally undermined the inclusivity of all Zimbabweans as they are aimed at only a portion of the population, namely President Mugabe's small core of elites (du Toit & de Jager, 2013:202).

4.4 Conclusion

As highlighted in the literature review, democracy authorizes power, while constitutional liberalism limits it. The two must be exercised in conjunction with each other, and when they have merged the product is a liberal democracy, which entails a political system marked not only by free and fair elections, but also by the separation of powers (checks and balances), the rule of law, and the protection of basic liberties of assembly, religion, property and speech (Zakaria, 1997:22). Zimbabwe can be classified as an electoral democracy as it hosts frequent elections; however it has never proceeded beyond electoral democracy. This can be attributed to the fact that the Lancaster House Constitution of 1979 failed in numerous ways to make provision for the democratic political institutions needed for the attainment of constitutional liberalism.

The fact that Zimbabwe does not have a set of institutionalized democratic political institutions has caused it to regress towards authoritarianism. It has been highlighted that the country lacks the institutional prerequisites for large-scale democracy, namely *elected officials; free, fair and frequent elections; freedom of expression; alternative sources of information; associational autonomy; and inclusive citizenship*. This is due to the fact that the Lancaster Constitution did not make provision for a number of political institutions and more importantly, despite its liberal democratic foundations, it did not provide viable constraints on the power of the executive, thus allowing Mugabe to manipulate the Constitution where he saw fit. He was able to bypass numerous laws and conditions, place himself in greater power and furthermore alter the Constitution in such a

way that it made him virtually the law of the state. He destroyed any democratic future that the state had by ruining the political institutions or simply failing to run them efficiently. He was able to manipulate the Constitution due to the fact that the process of constitution-making taken up at the Lancaster House Conference in 1979 was not one of public participation; it was rushed and lacked many aspects of democratic constitution-making. Furthermore the transition towards independence and the premise on which the Constitution was set up was not one defined by negotiation and discussion, but was rather a handover of power, with forceful and unrealistic expectations. The result of this has been the destruction of democratic political institutions and processes, which has paved the way for the country's regression towards authoritarianism.

Chapter 5: Conclusion

5.1 Introduction

The purpose of this thesis – as set out in Chapter One – has been to understand Zimbabwe's regression towards authoritarianism. There have been numerous studies aimed at investigating and assessing Zimbabwe's current political situation and how it has become so far removed from a democratic dispensation. But few studies have assessed Zimbabwe's democratic status with regards to political institutions. Even fewer have analysed the Lancaster House Constitution of 1979 with regards to how it provided or failed to provide the necessary frameworks for democratic political institutions – the backbone of any thriving democracy. Therefore, this thesis set out to investigate the effects and importance of democratic political institutions for democratic consolidation by using Zimbabwe, and more specifically its Independence Constitution of 1979, as a case study. In this descriptive desktop study Zimbabwe's regression towards authoritarianism and away from democratic consolidation has been assessed by drawing from the theories of prominent scholars in the field of democratic studies, as well as providing Leo Baron's (Acting Chief Justice of Zimbabwe – 1983) first-hand account of how Zimbabwe's transition to independence took place, which formed part of the primary data used in this thesis along with further original documentation belonging to the late Leo Baron. The following section will provide a thesis overview, followed by the summary of findings and conclusions; it will then provide a short summary of this thesis' contributions before putting forward suggestions for future research.

5.2 Thesis overview

Chapter One explained the rationale of this thesis, the problem statement and purpose of the study, as well as the research methodology employed to address the problem. Since Zimbabwe's political independence in 1980, the country has suffered institutional negligence and corruption. Furthermore, its Independence Constitution has fallen victim to repeated manipulation; its electoral system has witnessed repeated illegitimate alteration; its rule of law has been an arena of corruption; and every election since 1980 has featured violence and intimidation. Given the fact that Zimbabwe's recent elections in 2013 were once again fraught with intimidation and suspected fowl play this thesis has aimed at investigating Zimbabwe's political climate and how it has regressed towards authoritarianism over the past three and a half decades. The thesis sought to understand how much of Zimbabwe's political instability and demise of its democratic features could be attributed to its Lancaster House Constitution of 1979. Thus the rationale of this thesis was to

highlight some of the reasons that can be attributed to Zimbabwe's democratic shortfall – with an emphasis on weak political institutions, specifically the Constitution.

This thesis was, initially inspired by the desire to understand how democratic consolidation is affected by various factors, and what factors are conducive to the democratic governance of a country. Furthermore, it was born out of the desire to understand how political institutions affect a country's democratic nature. Given Zimbabwe's unique situation, and the fact that its independence was premised upon what was believed to be a set of democratic values, this thesis set out to investigate why it drifted into the direction of authoritarianism instead of democratic consolidation. Therefore, the central question that guided this research assignment was the following:

Has Zimbabwe's failure to successfully institutionalise democratic institutions, in particular the Constitution, contributed to its regression to authoritarianism, despite its initial democratic transition? This question was answered by way of four sub-questions:

- What processes lead from democratic transition to authoritarianism?
- What are the institutional prerequisites for democratic development?
- How was Zimbabwe's Lancaster Constitution negotiated?
- Did Zimbabwe's institutional framework set it up for failure?

By focusing on these sub-questions, in an attempt to answer the main research question, this thesis focused largely on Zimbabwe's constitution-making and uncovered how the executive power in Zimbabwe was not effectively constrained and how exactly it garnered so much power.

The nature of this thesis was both descriptive and exploratory and relied on a qualitative research methodology with an emphasis on a case study. Through descriptive as well as exploratory methods this thesis evaluated the situation that Zimbabwe currently finds itself in. The thesis accomplished this through evaluating Zimbabwe's political institutions – with particular attention placed on the Lancaster House Constitution – and found that Zimbabwe's weak political institutions have led to the country's failure to successfully democratise, in turn attributing to its regression towards authoritarianism. Furthermore, this thesis relied on both secondary and primary sources of data. The secondary sources coming from a pool of prominent scholars within the field of democratic studies as well as scholars within the field of Zimbabwe's political climate. The primary data examined was a compilation of original documents belonging to the late Leo Baron. These documents included a personal record and interviews previously conducted in 1983 for the national archives of Zimbabwe

between Baron and the state, which includes a detailed first-hand account of the Lancaster House Conference, the negotiations undertaken at this Conference, and the outcomes of these negotiations. In addition to these interviews and personal records this thesis examined other primary documents highlighting the relationship between the competing delegations at the Conference as well as the original Lancaster House Constitution of 1979.

Chapter Two examined the literature surrounding democratic consolidation and more specifically that of institutionalisation. One of the key concepts of this thesis, identified in this chapter, is democratic consolidation, which is recognised as a complex process that involves various different factors and conditions. Numerous prominent scholars such as Schedler, Huntington, Linz and Stepan, Kapstein and Converse, and Conteh-Morgan have argued for the concept of democratic consolidation and have attempted to provide suitable definitions for it and determine what factors are conducive to its achievement. The definition used in this thesis rests firstly on the premise that democracy entails a political system marked not only by free and fair elections, but also by the separation of powers (checks and balances), the rule of law, and the protection of basic liberties of assembly, religion, property and speech (Zakaria, 1997:22). Secondly, it draws on the premise that democratisation is a process, and that democracies are transitional rather than static, meaning that they will either reach a stage of democratic governance/consolidation or revert back to authoritarianism – as is the case of Zimbabwe. Thus the definition of democratic consolidation introduced in Chapter Two is a combination of two definitions put forward by Linz and Stepan (1996:15) and Schedler (2001:67), who suggest that the consolidation of a democracy occurs when a complex system of institutions, rules and patterned incentives becomes “the only game in town” and furthermore, that democracy can only be classified as consolidated when it is “likely to endure”. In the process of democratic consolidation various factors are needed for a democracy to become “the only game in town”. These factors range from attitudinal, behavioural to structural. For this research assignment political institutions, which falls under the structural factors, were reviewed in order to determine whether Zimbabwe’s regression towards authoritarianism can be attributed to its weak democratic political institutions, or even lack of them.

The political institutions as defined in this thesis include the constitutional requirements governing affairs between the executive and legislative branches of government, degrees of decentralisation, the rule of law, and electoral systems (Colomer, 1995:74), which are said to be the prerequisites for an enduring democracy. Furthermore, in the functioning of contemporary, complex societies, democratic political institutions are a fundamental level of aggregation between structural factors

and individuals as well as diverse groupings under which society tends to organise its various interests and identities (O'Donnell, 1996:41).

Given the importance placed on political institutions – defined by North (1990:3) as the rules of a society consisting of both formal and informal constraints – throughout this thesis, it has been of the utmost importance to analyse – what can in effect be regarded as the most important institution – the Constitution. A constitution is essentially a code of rules, which aspires to regulate the allocation of functions, powers and duties amongst the various agencies and officers of the government and to define the relationships between them and the public (Finer, 1997:1502). This definition highlights the importance of the constitution as a political institution essential to the democratic nature of a state. Furthermore, a constitution sets out the provisions and frameworks of other political institutions that are essential to democratic governance. Given the nature of Zimbabwe's current political situation – one characterised by institutional weakness, a highly centralised government, patrimonialism, corruption, violence, intimidation and numerous other factors leading to the deprivation of human rights – this thesis has assessed what factors have led to Zimbabwe's degradation of democracy. In doing so, this thesis has placed a great emphasis on Zimbabwe's Lancaster House Constitution (1979) and how it failed to effectively provide the frameworks and provisions for several important political institutions necessary for democratic consolidation.

In order to successfully undertake these avenues of investigation this thesis focused on two analytical frameworks. Firstly, it drew from Kapstein and Converse's framework of executive power, and the necessary constraints on executive power needed in order to keep the executive accountable to the electorate. The second framework focused on and elaborated on in this chapter was Dahl's framework highlighting certain institutional criteria needed in a large-scale democracy. Dahl (2005) highlights a set of political institutions necessary for a large-scale democracy to take shape, meaning the political institutions necessary for a democratic country (Dahl, 2005:187). These institutional requirements comprise of elected officials; free, fair, and frequent elections; freedom of expression; alternative sources of information; associational autonomy; and inclusive citizenship (Dahl, 2005:188).

In addition to explaining the analytical frameworks used in this research assignment, Chapter Two answered the first two research questions of this thesis as set out in the first chapter, which were:

What processes lead from democratic transition to authoritarianism?

What are the institutional prerequisites for democratic development?

Firstly, it is important when assessing democratic consolidation to keep in mind that the process of democratisation, which leads to the eventual consolidation of democracy, is in fact part of a continuum starting with authoritarian rule and moving on to political liberation then to democratic consolidation (Conteh-Morgan, 1997:6). In order for this process to take place smoothly there is a certain set of political institutions necessary and if they are non-existent or weak, then there is a tendency to regress into authoritarianism. When a country has limited political institutions, they become non-institutionalised democracies, which are characterised by the restricted scope, weakness and the low density of whatever political institutions they possess (O'Donnell, 1996:41). Other, non-formalised but strongly operative practices – especially clientelism, patrimonialism and indeed corruption – take the place of the former, jointly with various patterns of highly disaggregated and direct access to the policymaking process (O'Donnell, 1996:41). This can be said to be true in the case of Zimbabwe.

Secondly, it was important to embark on discovering which political institutions are indeed necessary for this process of democratisation and the eventual consolidation of democracy to take place. This chapter ascertained that the institutional prerequisites necessary for democratic development come in the form of political institutions, which if correctly provided for become democratically entrenched in the foundations of society. These democratic political institutions include: elected officials; free, fair and frequent elections; freedom of expression; alternative sources of information; associational autonomy; and inclusive citizenship; in addition to these institutional prerequisites there is the fundamental need for effective constraints on the executive power.

In setting out to analyse the Constitution, it was necessary first to investigate what led to the making of Zimbabwe's Lancaster House Constitution and, furthermore, how exactly it was negotiated and decided upon. Chapter Three was thus descriptive in nature with the aim of elaborating on Zimbabwe's journey from authoritarianism to democracy and back to authoritarianism. Zimbabwe's history is one mired in violent conflict and civil war, from the colonisation of then Southern Rhodesia by the British to the Unilateral Declaration of Independence (UDI) by Ian Smith in 1965; Zimbabwe has been the locus of on-going conflict. In the early 1960s Southern Rhodesia was at the centre of a conservative nationalist movement, aimed at attaining independence and majority rule in the country. However, instead of attaining independence from Britain, the white minority regime led by Ian Smith unilaterally declared Southern Rhodesia an independent state. The Smith regime was determined to quell any African nationalist sentiment by using coercive means and declaring a state of emergency. The response to this by the African nationalists was an increase in guerrilla

activity in the form of a liberation struggle. Amongst the prominent actors in the liberation struggle, which reached its peak in the mid-70s, were Robert Mugabe (current President of Zimbabwe), who led his party, ZANU-PF, to victory in the country's first independent elections in 1980, and Joshua Nkomo of the PF-ZAPU party, who was to become Mugabe's biggest political rival in the early years following independence.

An increase in guerrilla activity in the mid-1970s, from the countries bordering on Zimbabwe where the liberation armies were forced into exile, saw the country divided. The Smith regime struggled to keep control despite their violent rhetoric; consequently his regime was not recognised by the international community, being sanctioned on grounds of inhumane activities. In an attempt to hold onto power, Smith appointed Bishop Abel Muzorewa, a former nationalist, as the new Prime Minister of Southern Rhodesia. This, however, did little to alter the country's international and economic status. This, along with the increased violence from the liberation struggle, forced Smith and Muzorewa to the negotiating table. The African nationalists, on the other hand, were unable to sustain the high level of violent attacks organised from within their host countries (Zambia and Mozambique), for several reasons; thus they too were forced to the negotiating table in 1979. The British, also under increasing pressure from the international community, orchestrated a conference, whereby the future of the country would be discussed and agreements were to be reached. This conference was termed the Lancaster House Conference of 1979.

Chapter Four of this thesis formed the analytical section of this research assignment, answering the next two research questions as set out in the first chapter. The fourth chapter will thus be accounted for in the section below according to the research questions it answered.

5.3 Summary of findings

This section summarises the key findings presented in Chapter Four in relation to the fundamental research questions of this thesis:

How was Zimbabwe's Lancaster Constitution negotiated?

Did Zimbabwe's institutional framework set it up for failure?

5.3.1 How was Zimbabwe's Lancaster Constitution negotiated?

Chapter Four found that the Lancaster House Conference in 1979 was predominantly British organised and run. Primary data, in the form of Leo Baron's first-hand account of the Conference, points towards the manipulation of negotiations by the British delegation. Throughout the negotiations the British allegedly controlled the outcomes of the three main areas of discussion of the Conference, namely the cease-fire agreement, the transition to independence (pre-election arrangements), and the formulation of an independence constitution. They did so by issuing threats and ultimatums to the Patriotic Front delegation (the two main political parties, ZANU-PF, led by Mugabe and PF-ZAPU, led by Nkomo, were grouped together under one delegation: the Patriotic Front) and by threatening to end the Conference and recognise the Smith-Muzorewa government if agreements could not be reached. Thus, Zimbabwe's Independence Constitution was no more than a compromise between competing interests, and the lack of broader popular participation during its crafting at Lancaster House in 1979 deprived it of broader legitimacy amongst the majority of the Zimbabwean citizenry. Although the Constitution served as an important tool for the transfer of power from the minority to the majority, it did not necessarily form the foundation for good governance. Zimbabwe's Lancaster Constitution of 1980, in its original form, resembled most independence constitutions that were the outcome of an agreement or settlement between colonial powers and representatives of the colonised people (Sachikonye, 2002:175).

Through the investigation of primary and secondary data it is possible to conclude that Zimbabwe's Lancaster Constitution was not the product of an inclusive and participatory process; instead it has been discovered that the process was one that lacked public participation and thus lacked wider legitimacy. For example, the ZAPU document titled *Proposals for a settlement in Southern Rhodesia*, which was not consulted at all during the Lancaster Agreements in 1979. It can thus be argued that the Lancaster House Conference, normally regarded as the platform upon which Zimbabwe's negotiated transition to majority rule took place, was in fact not a negotiation at all; instead it resembled more of a handover of power with forced implications and unrealistic expectations.

5.3.2 Did Zimbabwe's institutional framework set it up for failure?

The first failure of the Lancaster House Constitution of 1979, as mentioned above, was that it lacked public participation and broader legitimacy, which set the stage for how future amendments and policy making would be handled in the newly independent state. Furthermore, and more importantly, the Lancaster House Constitution failed to place effective and sufficient constraints on

the power of the executive. Data collected over the years point towards the growing importance of political institutions, more importantly political institutions that place a great deal of constraint on the executive branch of government. With the Constitution being the most important political institution, as it provides the framework and provisions for other political institutions, it is vitally important that it provides sufficient constraints on the power of the executive. Kapstein and Converse (2008:57-58) point out that, if the executive branch of government faces only weak constraints, then the temptation to snatch as much political and economic power for personal gain, grows; this thesis concurs, finding that the Lancaster Constitution failed to sufficiently constrain the executive power, resulting in President Mugabe's accumulation of vast amounts of power over the years, which in turn has had far-reaching implications for the country's democratic status.

In addition to the failure to effectively place sufficient constraints on executive power, the Lancaster Constitution further failed to effectively make provision for a set of crucial democratic political institutions, which are seen as vital to democracy in a state. Firstly the Constitution, although based on a set of liberal notions, failed to provide several independent political institutions which would effectively govern the country and ultimately provide for free and fair elections, the separation of powers (checks and balances), the rule of law, and the protection of basic liberties of assembly, religion, property and speech. The Lancaster Constitution failed to make provision for the following: an independent and autonomous human rights commission, one which would oversee and uphold the Constitution's Bill of Rights; an independent and autonomous electoral commission, seen as the bedrock of every democracy, which would be responsible for the free and fair running of the country's elections and, furthermore, keep the government accountable to the electorate; an independent judiciary, which is the cornerstone of any democratically run society, which would uphold the rule of law. With these institutional failures, along with the failure to provide effective constraints to executive power, Zimbabwe does not fulfil Dahl's requirements of an institutional framework required for the growth of a large-scale democracy and the eventual consolidation of democracy. The political institutions required for a democracy to endure include elected officials; free, fair and frequent elections; freedom of expression; alternative sources of information; associational autonomy; and inclusive citizenship, all of which are either non-existent or greatly dysfunctional in Zimbabwe, either as a result of the shortcomings of the original Constitution or of the numerous restrictive amendments made to the Constitution by Mugabe.

This chapter came to the conclusion that the Lancaster Constitution of 1979 did not sufficiently provide the tools and provisions needed for a successful political institutional framework in Zimbabwe. Instead it failed to highlight the importance of, and make provision for, several

important independent organs usually responsible for the smooth transition towards democratisation and the eventual consolidation of democracy.

Because Zimbabwe has held national elections every five years since independence in 1980, it can be classified as an electoral democracy; however, when assessed according to the definition of democracy used in this thesis, Zimbabwe is far from a liberal democracy. It can be argued that the country's regression towards authoritarianism can be to a large extent attributed to the country's political institutional shortcomings, which in turn can be attributed to the Lancaster House Constitution's failure to make provision for democratic political institutions conducive to democracy and democratic consolidation, as well as its failure to successfully place constraints on executive power. Zimbabwe's institutional framework thus set it up for failure.

5.4 Summary of contributions

Although Zimbabwe has recently adopted a new Constitution, this thesis provides an important contribution to the field of democratic studies, especially in an African context. As various African countries have attained independence constitutions through negotiations with former colonial powers, this thesis will prove valuable to the field as a whole. It will provide room for further research into various other countries' constitutions, in order to assess whether their democratic statuses can directly be linked to their constitutions inherited from former colonial powers. Furthermore, this thesis is unique in that it has directly linked Zimbabwe's current situation to a set of political institutional failures, deriving from decisions made at the Lancaster House Conference over three decades ago. Additionally, it has provided primary data giving insight into the negotiations that took place at the Lancaster House Conference, in the form of a first-hand account from one of the ZAPU delegates, Leo Baron, something that is very rare and unique, and which has the ability to reshape certain opinions and views. Furthermore, this thesis provides the basis for a comparative study of Zimbabwe's previous and current Constitution – in order to assess whether the institutional weaknesses of the Lancaster Constitution have been addressed.

5.5 Suggestions for further research

This research assignment, focused on the institutional foundations which foster democratization and democratic governance. It placed great emphasis on the institutional shortcomings of the Lancaster House Constitution and has attributed Zimbabwe's regression to authoritarianism to these institutional shortcomings. Although political institutions were the focus of this thesis, it would be

naïve to discount other factors that have led to Zimbabwe's backsliding into authoritarian rule; for example, further research can be done on the socio-economic factors that have advanced the country's decline into an authoritarian state. Moreover, there is room for further research into the leadership of President Robert Mugabe and the role he has played in Zimbabwe's downward spiral since independence in 1980. Furthermore, there is room for comparative studies of other post-liberation constitutions and their democratic prospects.

In addition to the above-mentioned prospects for further research, another suggestion could be to assess the new Constitution that Zimbabwe adopted in 2014 against its original Lancaster Constitution. It would prove useful to assess the improvements made to the original Constitution and investigate whether the improvements will materialise or consolidate democracy, and if they fail to do so, why?

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